

Committee Room.

Austin, Texas, May 14, 1937.

Hon. Walter F. Woodul, President of
of the Senate.Sir: We, your Committee on En-
grossed Bills, have had S. B. Nos.
389, 516, and 507 carefully exam-
ined and compared and find same
correctly engrossed.

ROBERTS, Chairman.

Committee Room.

Austin, Texas, May 14, 1937.

Hon. Walter F. Woodul, President of
of the Senate.Sir: We, your Committee on En-
grossed Bills, have had S. C. R. No.
67 carefully examined and compared
and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room.

Austin, Texas, May 14, 1937.

Hon. Walter F. Woodul, President of
of the Senate.Sir: We, your Committee on En-
grossed Bills, have had S. C. R. No.
64 carefully examined and compared
and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room.

Austin, Texas, May 17, 1937.

Hon. Walter F. Woodul, President of
of the Senate.Sir: We, your Committee on Fi-
nance, to whom was referred
S. R. No. 23,Have had said resolution under
consideration, and I am instructed to
report same back to the Senate, with
the recommendation that it do pass,
and be printed.

REDDITT, Chairman.

Committee Room.

Austin, Texas, May 14, 1937.

Hon. Walter F. Woodul, President of
of the Senate.Sir: We, your Committee on En-
rolled Bills, have had S. B. Nos. 402
and 491 carefully examined and com-
pared and find same correctly en-
rolled.

WESTERFELD, Chairman.

SEVENTY-NINTH DAY.

(Tuesday, May 18, 1937)

The Senate met at 10 o'clock a.
m., pursuant to adjournment, and
was called to order by President
Woodul.The roll was called and the follow-
ing Senators were present:

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff
Nelson	

The following Senators were ab-
sent and excused:

Small Sulak

A quorum was announced present.
The invocation was offered by the
Chaplain.Reading of the Journal of the pro-
ceedings of yesterday was dispensed
with, on motion of Senator Roberts.**Leaves of Absence Granted.**Senator Sulak was granted leave
absence for today, on account of im-
portant business, on motion of Sen-
ator Collie.Senator Small was granted leave
of absence for today, on account of
important business, on motion of
Senator Weinert.**Reports of Standing Committees.**Reports on S. J. R. No. 18, H. J.
R. No. 48, and House Bills Nos. 686
and 1109 were submitted by the
chairmen of the several committees
to which they were referred. (See
appendix for reports in full.)**Senate Resolution No. 92.**Senator Moore offered the follow-
ing resolution:Be it Resolved by the Senate of
Texas, That the Sergeant-at-Arms be
instructed to clear the floor of the
Senate each morning, 30 minutes be-
fore the Senate convenes, of all per-
sons not entitled to the privileges of
the floor while the Senate is in ses-
sion.

The resolution was read.

On motion of Senator Moore and
by unanimous consent the regular
order of business was suspended, to

permit consideration of the resolution at this time.

The resolution was adopted.

Senate Concurrent Resolution No. 70.

Senator Head offered the following resolution:

Be it Resolved, By the Senate of Texas, the House of Representatives concurring, that Few Brewster, Judge of the 27th Judicial District of Texas, be, and he is hereby granted permission to be absent from the State of Texas, at such intervals and for such time as he may see fit and proper while his courts are in vacation during the years 1937 and 1938.

The resolution was read.

On motion of Senator Head and by unanimous consent, the Senate rule requiring concurrent resolutions to be referred to a committee was suspended, and the regular order of business was suspended, to permit consideration of the resolution at this time.

The resolution was adopted.

Message From the Governor.

A Secretary of the Governor was announced by the Doorkeeper and was recognized by the President to present the following message, which was read to the Senate:

Austin, Texas, May 17, 1937.

To the Members of the 45th Legislature:

Constitutional amendments can only be adopted at a regular session of the Legislature. One proposed amendment, H. J. R. 24 by Alsup, calling for a vote of the people on restoring the fee system for the present salary system, is highly important.

I cannot too earnestly urge you to suspend all rules and submit this proposed amendment to a vote of the people. I think the abolition of the fee system, with all its faults, was one of the biggest mistakes we have ever made. The cost to the State, under the salary amendment, is 70 % above what it was. In addition, it is absolutely bankrupting the counties.

I voted to abolish the fee system, but I must confess error. It has not only proved a costly financial failure, but has utterly failed to produce as good a type of service as we had under the old system. After all, our forefathers were pretty wise in writ-

ing most of the constitution; and I have now come to appreciate their wisdom in providing for the fee system.

Irrespective of whether we are in agreement on restoring the fee system, it is but fair to give the people an opportunity to vote on it. That is all the resolution proposes; and a vote to let the people speak can not only always be defended but is to be commended.

Respectfully submitted,

JAMES V. ALLRED,

Governor of Texas.

Senate Bill No. 211 on Engrossment.

The President laid before the Senate, as the unfinished special order on its passage to engrossment (the bill having been read second time on yesterday):

S. B. No. 211, A bill to be entitled "An Act to provide for the creation of the office of the Commissioner of Education of the State of Texas, fixing the qualification of the Commissioner of Education, his salary, and his term of office, abolishing the office of State Superintendent of Public Instruction of the State of Texas, transferring all the duties imposed by law upon the State Superintendent of the State of Texas at the time this Act goes into effect to the Commissioner of Education, providing that said Commissioner of Education shall be appointed by a majority vote of the State Board of Education, providing that said Act be effective from and after the second Monday in December A. D. 1938, and repealing all laws and parts of laws in conflict herewith."

With the following amendment by Senator Woodruff pending:

Amend S. B. No. 211 by striking out in Section 3 the words "on the second Monday in December, 1938," and insert in lieu thereof the following: "on the 1st day of January, 1939"; and strike out Section 4.

Question—Shall the amendment be adopted?

The amendment was adopted.

(Senator Collie in the Chair.)

Senator Van Zandt offered the following amendment to the bill:

Amend S. B. 211 by adding at the end thereof a new Section numbered properly:

Sec. —. The fact that a better coordinated and a responsive educa-

tional system may be had by having the State Superintendent appointed creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended, and this Act shall take effect and be in force from and after January 1st A. D., 1939, and it is so enacted.

"Amend caption to conform."

VAN ZANDT,
COTTEN.

The amendment was adopted.

(President in the Chair.)

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, May 18, 1937.

Hon Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate Amendments to House Bill No. 5 and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House with instructions to strike from the bill that portion which forces the payment of a fee of Ten Dollars for the use of alcohol for the following purposes: Scientific, Chemical, Medicinal, Industrial, and Culinary and to provide for a fee of no more than One Dollar for such permits, and to report back to the House not later than 2 o'clock p. m., Thursday, May 20:

Messrs. Morse, Harris of Dallas, Moffett, Worley, Keith.

The House has concurred in Senate amendments to House Bill No. 711 by a vote of 134 yeas, 0 nays.

The House has adopted the Conference Committee Report on Senate Bill No. 164 by a vote of 111 yeas, 0 nays.

The House has refused to concur in Senate Amendments to House Bill No. 1053 and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House as conferees:

Messrs. Leonard, Pope, Celaya, Vale, Leyendecker.

The House has passed the following resolution:

H. C. R. No. 140, Authorizing the Enrolling Clerk to make certain corrections in H. B. No. 113.

The House has passed the following bill:

S. B. No. 138, A bill to be entitled "An Act making appropriations for the support and maintenance of the executive and administrative departments and agencies of the State government for the two-year period beginning September 1, 1937, and ending August 31, 1939, and for other purposes; and declaring it unlawful for persons employed in the several departments to engage in political campaigns relating to election or reelection of any candidate or candidates for the head of such department and any public office and prescribing procedure for removal of such employees; and making it unlawful to use any State-owned automobile in connection with any campaign relating to any measures in which the particular department by which the employee is employed is directly interested and/or in behalf of the election or re-election of any person as the head of such department; and prescribing certain other regulations and restrictions in respect to the appropriations made herein, and declaring an emergency." (With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 138 With House Amendments.

Senator Redditt called up Senate Bill No. 138 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill before the Senate, and the House amendments were read.

Senator Woodruff moved that the Senate do not concur in the House amendments to the bill and that a free conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Conference Committee on H. B. No. 1053.

Senator Neal moved that the request of the House for a free conference committee to adjust the dif-

ferences between the two Houses on H. B. No. 1053 be granted.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate:

Senators Neal, Spears, Lemens, Nelson and Beck.

House Concurrent Resolution No. 140.

The President laid before the Senate, the following resolution, received from the House today:

H. C. R. No. 140, authorizing correction of enrolled copy of H. B. No. 113.

The resolution was read.

On motion of Senator Neal, by unanimous consent, the Senate rule requiring concurrent resolutions to be referred to a committee was suspended, and the regular order of business was suspended, to permit consideration of the resolution at this time.

The resolution was adopted.

Bills and Resolutions Signed.

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolutions:

H. B. No. 76, "An Act amending Article 4667 of Title 76 of the Revised Civil Statutes of the State of Texas, 1925, and authorizing any citizen of the State of Texas to sue for injunction against bullfighting, in addition to the present authorization therefor by the Attorney General or any district or county attorney, and declaring an emergency."

H. B. No. 352, "An Act to provide for the inspection of steam boilers; defining certain terms; requiring a permit to operate; exempting certain boilers from the provisions of the Act; providing for appointment of a boiler inspector and deputies; providing for promulgation of rules and regulations by the Commissioner of Labor covering the inspection and operation of steam boilers; providing for certain hearings; providing for collection of fees for boiler inspection; providing for publications of rules and regulations; providing for penalties for failure to comply with the provisions of this Act and rules enacted pursuant thereto; for injunction after notice against violators; providing for clerical assist-

ants and supplies; fixing salaries and creating a 'Special Boiler Inspection Fund'; making an appropriation out of the General Revenue Fund; providing a saving clause, and declaring an emergency."

H. B. No. 561, "An Act to define and fix the limits and jurisdiction of the Nineteenth, Fifty-fourth and Seventy-fourth District Courts and to provide for the terms thereof and the procedure to be followed therein in certain particulars; to provide for the judges of said courts to exchange benches, authorizing either of said judges to sit in either of said courts; authorizing the transfer of a case from either of said courts to another one thereof; etc., and declaring an emergency."

H. B. No. 645, "An Act to better safeguard the health of the people of the State of Texas by making it unlawful to serve food in improperly cleaned or unsterilized dishes or utensils; and providing rules for cleaning and sterilizing dishes or utensils; and prohibiting the use of cracked or broken dishes and utensils and unlaundered napkins and unprotected napkins, straws and other articles commonly used in eating and drinking; etc., and declaring an emergency."

H. B. No. 705, "An Act providing for the jurisdiction of the County Court of Crosby County, conferring upon said court civil and criminal jurisdiction and increasing the criminal and civil jurisdiction of said court; conforming the jurisdiction of the district and justice courts of said county to such change; repealing all laws in conflict with this Act, and declaring an emergency."

H. B. No. 873, "An Act making an emergency appropriation for the Leon River Conservation Project, and declaring an emergency."

H. B. No. 909, "An Act changing the name of the State Home for Dependent and Neglected Children to be hereafter known as Waco State Home, and creating an emergency."

H. B. No. 1025, "An Act providing relief of the Centerville Consolidated School District No. 42 of Trinity County, Texas, in order to aid said school district in repairing, rehabilitating and equipping its school building which was destroyed by fire on the 15th day of October, 1936; making an appropriation to said district

for said property, and declaring an emergency."

H. B. No. 1050, "An Act providing relief for common and independent school districts of Sabine County, Texas, made necessary by reason of the fact that the Federal Government has purchased over 70% of the land in said county, thereby taking off the tax rolls of such districts a major portion of the taxable valuation; making an appropriation for said districts in said county to enable them to continue their program of education, and declaring an emergency."

H. B. No. 1052, "An Act amending Section 13 of Chapter 42, page 49, Acts of the Regular Session of the Forty-third Legislature; amending said Section 13 of Chapter 42, with reference to salary to be paid the judge of the County Court of Jefferson County at Law; repealing all laws, or parts of laws, in conflict herewith, and declaring an emergency."

H. B. No. 1135, "An Act declaring it unlawful to take any fish from the waters of Hunt and Rains Counties, Texas, other than by ordinary hook line, set line or throw line, or by ordinary cordline, seine or net, the meshes of which are less than one and one-half inches square; provided that any such seine or net may be used during the period from March 1st through September 30th of each year; fixing a penalty, and declaring an emergency."

H. B. No. 1141, "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits two (2) counties or portions thereof, one of which counties according to the latest Federal Census had a population of not fewer than fifteen thousand, one hundred and forty (15,140) and not more than fifteen thousand, one hundred and sixty (15,160) inhabitants, whether organized under General or Special Law; providing the values to be fixed by the county board of equalization and taxes to be collected by the assessor-collector; etc."

H. B. No. 1164, "An Act validating, ratifying, approving and confirming bonds and other instruments or obligation heretofore issued by water control and improvement dis-

tricts, water improvement districts, irrigation districts, conservation and reclamation districts, navigation districts, road districts, school districts, counties, cities, or incorporated towns of this State for public works projects, ratifying and validating the establishment and creation of such districts, cities and towns, and declaring an emergency."

H. B. No. 1174, "An Act making it lawful to catch fish with hooks, traps, seines, and nets in the waters of Red River in Fannin, Cooke, Grayson, Lamar, Red River and Bowie Counties, and declaring an emergency."

H. B. No. 1177, "An Act to amend Article 879g of the Penal Code of Texas by excluding Polk County, Texas, from the terms thereof, with respect to closed season on hunting, killing or taking wild bear, and declaring an emergency."

H. B. No. 1178, "An Act to provide for the creation of corporations for the purpose of dealing in, buying and selling, preparing for the market and preserving and canning fruits, fruit juices and vegetables produced in the United States and enumerating the power and authority of such corporations; providing for the creation of corporations for the purpose of owning and operating aeroplanes and all other flying machines to be used in spraying orchards and crops with insecticides; providing for other rights and powers of such corporations, including the right to buy and sell insecticides and the right to acquire and maintain necessary starting and lighting grounds and fields and workshops; providing that this Act shall be cumulative of other Acts creating purposes for which corporations may be formed, and declaring an emergency."

H. C. R. No. 102, Commending the First Voters League of Texas for its worthy and necessary service to the cause of good government.

H. C. R. No. 130, Authorizing the Highway Department to lend certain road equipment to Henderson County.

H. C. R. No. 134, Authorizing the Enrolling Clerk to correct the caption of H. B. No. 352.

H. C. R. No. 135, Authorizing certain corrections to be made in H. B. No. 1135.

**Report of Conference Committee on
House Bill No. 547.**

Senator Redditt submitted the following report of the conference committee on H. B. No. 547:

Committee Room,

Austin, Texas, May 18, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Hon. Walter F. Woodul, President of the Senate.

Gentlemen: We, your Conference Committee, appointed to adjust the differences between the House and Senate on House Bill No. 547, have had same under consideration and beg leave to report that we recommend the passage of said House Bill No. 547 in the form attached hereto.

Respectfully submitted,

HEAD,
ONEAL,
REDDITT,
COTTEN,
ISEBELL,

On the part of the Senate.

MOFFETT,
POPE,
CLEVELAND,
HAMILTON,
ALEXANDER,

On the part of the House.

By Moffett, et al. H. B. No. 547.

A BILL

To Be Entitled

An Act to declare a State Policy regarding the activities of the various agricultural agencies of the State, especially as they affect cotton, and cotton products, and the increased use and consumption of same; directing that the heads of the State's various agricultural agencies shall take due notice of said policy; providing for the establishment of a cotton research laboratory and making an appropriation therefor, stating a contingency upon which said appropriation is made; providing that additional funds may be supplied by the United States Government; providing that the Board of Control may accept tracts of land, gifts, or grants; providing for construction to be under the Board of Control in co-operation with the Secretary of Agriculture; providing for transferring the property to the United States for so long as it uses the property for a cot-

ton research laboratory; providing for the location of said laboratory; providing for the employment of architects, engineers, experts, etc.; providing for other necessary expenses; providing for the Comptroller to pay warrants; providing rules and regulations shall allow for co-operation between cotton-producing States; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. "Declaration of Policy." By this Act it is expressly declared that the policy of the various agricultural agencies of the State of Texas shall be shaped so that the subject of the increased use and outlet for farm products, especially cotton, shall be stressed at least as much as the production of said products, and the heads of the various State agricultural agencies, departments, schools, colleges, etc., are hereby directed to take full and sufficient consideration of the policy herein established, and that the activities of the various agencies mentioned above be revamped, where same has not already been done, so as to conform with the provisions of this Act.

Sec. 2. The sum of Two Hundred Fifty Thousand (\$250,000.00) Dollars is hereby appropriated, out of any funds in the Treasury of the State of Texas, not otherwise appropriated, for the purpose of establishing a Cotton Research Laboratory in Texas, in co-operation with the United States Department of Agriculture, wherein new uses of cotton and cotton products, and expansion of present uses may be sought out, discovered, and made available. The appropriation herein made is conditioned that the Federal Government will supply sufficient additional funds for the equipment of said laboratory, and for the adequate maintenance and operation of same. The Federal Government may also supply funds to augment the appropriation herein made for construction. Said construction shall be done under the direction of the Board of Control of the State of Texas, in co-operation with the Secretary of Agriculture of the United States Government, or his duly appointed representative. The Board of Control is authorized to transfer title to the land and building constructed under this Act, to the Secretary of Agriculture of

the United States when the United States Government agrees to operate and maintain such laboratory, but such transfer shall be subject to the reservation that if at any time the property is not used for the purposes of this Act, title thereto shall revert to the State of Texas. Said laboratory need not necessarily be located at the Agricultural and Mechanical College of Texas, but shall be at such location as may be determined to be the most feasible for the carrying out of the purposes of this Act. The State Board of Control is authorized to purchase, or accept, a suitable tract or tracts of land for the location of said laboratory. Said Board of Control is also authorized to accept grants or gifts from the United States Government or any other source to supplement the herein mentioned appropriation. Said Board of Control is further authorized, if necessary to employ architects, engineers, or experts to assist in the construction of said laboratory and necessary improvements thereto; and said Board may, with the advice and consent of the Secretary of Agriculture, purchase equipment to be used in said laboratory. Plans and specifications for said laboratory shall be approved by the Secretary of Agriculture, or his duly appointed representatives, and the expenses of locating, preparing plans and specifications, and any other necessary expense for the construction of said laboratory may be paid out of funds herein appropriated.

The Comptroller of Public Accounts of the State of Texas is authorized and directed to issue warrants against this appropriation upon requisition and claims presented and approved by the State Board of Control.

Specific reference is hereby made to the Bankhead-Jones Act passed by the Federal Congress and approved June 29, 1935, and Acts amendatory thereto, insofar as maintenance and operation of said laboratory is concerned, or to appropriation by Congress for such particular purposes. Rules and regulations prescribed for the cotton and cotton products laboratory shall allow for the co-operation of all cotton-producing states.

Sec. 3. The fact that Texas and American-grown cotton is being rapidly displaced in the foreign markets

of the world, and the fact that there is now an immense surplus of cotton, which tends to lower the price of Texas and American-grown cotton in an amount that runs into the hundreds of millions of dollars, create an emergency and an imperative public necessity, requiring that the constitutional rule providing that bills be read on three separate days, be suspended and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

The report was adopted by the following vote:

Yeas—23.

Brownlee	Oneal
Burns	Pace
Cotten	Rawlings
Davis	Redditt
Head	Shivers
Hill	Spears
Holbrook	Stone
Isbell	Van Zandt
Lemens	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

Nays—3.

Aikin	Collie
Beck	

Absent.

Moore	Weinert
Roberts	

Absent—Excused.

Small	Sulak
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Report of Conference Committee on House Bill No. 774.

Senator Lemens submitted the following report of the conference committee on H. B. No. 774:

Committee Room,

Austin, Texas, May 14, 1937.

Hon. Walter F. Woodul, President of the Senate.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Gentlemen: We, your Conference Committee, appointed to adjust the differences between the House and Senate on H. B. No. 774, beg leave to report that we have considered the

same and recommend that it do pass in the form and text attached hereto.

WESTERFELD,
LEMENS,
HOLBROOK,
ONEAL,
BURNS,

On the part of the Senate.

CELAYA,
BROADFOOT,
CAUTHORN,
NEWTON,
PETSCH,

On the part of the House.

By Celaya.

H. B. No. 774.

A BILL

To Be Entitled

An Act amending certain Sections of Senate Bill No. 146, passed by the Regular Session of the Forty-fourth Legislature of the State of Texas, to wit: Sections 5, 8, 11, 12, 15, 16, and 17; providing for the Public Safety Commission to appoint a Director and an Assistant Director whose salaries shall be fixed by the Legislature; providing for the Director with the advice and consent of the Commission to appoint Chiefs of the several Bureaus; providing for Texas Ranger captains, headquarters sergeant, and privates; providing that the Texas Highway Patrol Division shall consist of the Chief Patrol Officer, captains, sergeants, and privates as may be authorized by the Legislature, and such administrative and clerical help as determined by the Commission; providing for the Director with the advice and consent of the Commission to name the Chief of the Bureau of Communications; providing for the Director with the advice and consent of the Commission to name the Chief of the Bureau of Intelligence; providing for the Director with the advice and consent of the Commission to name the Chief of the Bureau of Education, and providing for the Chief of said Bureau to organize schools and give instruction, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Amend Section 5 of Senate Bill No. 146, passed by the Regular Session of the Forty-fourth Legislature of the State of Texas, to read as follows:

"Sec. 5. The Commission shall appoint a Public Safety Director hereinafter designated as the 'Director,' who shall be a citizen of this State and who shall hold his position until removed by the Commission. The Commission shall also appoint an Assistant Director who shall perform such duties as may be designated by the Director. The Director and Assistant Director shall be selected on the basis of training, experience, and qualifications for said positions, and shall have at least five (5) years experience, preferably police or public administration. The Director and Assistant Director shall draw annual salaries as fixed by the Legislature. The Director shall be directly responsible to the Commission for the conduct of all the affairs of the Department."

Sec. 2. Amend Section 8 of S. B. No. 146, passed by the Regular Session of the Forty-fourth Legislature of the State of Texas, to read as follows:

"Sec. 8. It shall be the duty of the Director with the advice and consent of the Commission to appoint the Chiefs of the several Bureaus provided for in this Act."

Sec. 3. Amend Section 11, Paragraph 2, of S. B. No. 146, passed by the Regular Session of the Forty-fourth Legislature of the State of Texas, to read as follows:

"Sec. 11. (2) The Texas Rangers shall consist of six (6) captains, one headquarters sergeant, and such number of privates as may be authorized by the Legislature, except in cases of emergency when the Commission, with the consent of the Governor, shall have authority to increase the force to meet extraordinary conditions."

Sec. 4. Amend Section 12, Paragraph 2, of S. B. No. 146, passed by the Regular Session of the Forty-fourth Legislature of the State of Texas, to read as follows:

"Sec. 12. (2) The Texas Highway Patrol Division shall consist of the Chief Patrol Officer who shall be the executive officer of the Patrol and such number of captains, sergeants, and privates as may be authorized by the Legislature, and such administrative and clerical help as may be determined by the Commission."

Sec. 5. Amend Section 15, Para-

graph 1, of S. B. No. 146, passed by the Regular Session of the Forty-fourth Legislature of the State of Texas, to read as follows:

"Sec. 15. (1) It shall be the duty of the Director with the advice and consent of the Commission to name the Chief of the Bureau of Communications."

Sec. 6. Amend Section 16, Paragraph 1, of S. B. No. 146, passed by the Regular Session of the Forty-fourth Legislature of the State of Texas, to read as follows:

"Sec. 16. (1) It shall be the duty of the Directors with the advice and consent of the Commission to name the Chief of the Bureau of Intelligence."

Sec. 7. Amend Section 17, Paragraph 1, of S. B. No. 146, passed by the Regular Session of the Forty-fourth Legislature of the State of Texas, to read as follows:

"Sec. 17. (1) It shall be the duty of the Director with the advice and consent of the Commission to name the Chief of the Bureau of Education. The Chief of said Bureau shall organize schools for the members of the Department and other peace officers, and shall give instruction in such schools, and he shall have had substantial experience in law enforcement work and in the instruction of law enforcement officers."

Sec. 8. The fact that the organization of the Department of Public Safety, as provided for in the present law, is cumbersome and that in some instances, the efficiency of the Department is affected constitutes an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

The report was adopted by the following vote:

Yeas—28.

Aikin	Davis
Beck	Head
Brownlee	Hill
Burns	Holbrook
Collie	Isbell
Cotten	Lemens

Neal	Shivers
Nelson	Spears
Newton	Stone
Oneal	Van Zandt
Pace	Weinert
Rawlings	Westerfeld
Redditt	Winfield
Roberts	Woodruff

Absent.

Moore

Absent—Excused.

Small

Sulak

House Joint Resolution No. 24
Referred.

The following resolution, received from the House today, was laid before the Senate, read first time, and referred by the President to the Committee on Constitutional Amendments:

H. J. R. No. 24.

Recess.

On motion of Senator Oneal, the Senate, at 12:05 o'clock p. m., took recess to 2:00 o'clock p. m. today.

Afternoon Session.

The Senate met at 2:00 o'clock p. m. and was called to order by Senator Aikin.

Reports of Standing Committees.

(By Unanimous Consent.)

Reports on House Bills Nos. 163, 1155, and 1163, on Senate Bill No. 514, on H. J. R. No. 24, and on S. C. R. No. 71, were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

Messages From the House.

A Clerk from the House was recognized to present the following messages:

Hall of the House of Representatives,
Austin, Texas, May 18, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 139, A bill to be entitled "An Act making appropriations for the support, maintenance, operation, and improvement of the State insti-

tutions of higher learning for the two (2) fiscal years beginning September 1, 1937, and ending August 31, 1939, and for certain other educational agencies of the State, prescribing certain restrictions concerning the expenditures of said appropriations, and declaring an emergency."

(With amendments.)

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 18, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. J. R. No. 24, Proposing an amendment to the Constitution of the State of Texas, amending Article XVI, Section 61, providing for the abolishing of the salary method of compensating all District, County, and Precinct officers of this State, and further providing that the Legislature may prescribe laws for compensating all District, County and Precinct officers on a fee basis; providing for the submission of this amendment to the voters of this State; providing for proclamation of said election by the Governor; and providing for the necessary appropriation to defray necessary expenses for the submission of this amendment.

The House has concurred in Senate amendments to H. B. No. 36 by a vote of 123 yeas, 4 nays.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 18, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a conference committee on S. B. No. 138. The following conferees are appointed on the part of the House:

Messrs. Graves, Davison of Fisher, Harris of Dickens, Metcalfe and Thornberry.

The House has concurred in Senate amendments to H. B. No. 144 by a vote of 105 yeas, 15 nays.

The House has concurred in Senate amendments to H. B. No. 1120 by a viva voce vote.

The House has adopted the Conference Committee report on H. B. No. 547 by a vote of 134 yeas, 0 nays.

The House has adopted the Conference Committee report on H. B. No. 774 by a vote of 132 yeas, 0 nays.

The House has adopted the Conference Committee report on S. B. No. 74 by a vote of 112 yeas, 16 nays.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 211 on Engrossment.

The Senate resumed consideration of pending business; same being S. B. No. 211 to provide for a State Commissioner of Education, on its passage to engrossment.

Question—Shall the bill be passed to engrossment?

Senator Stone raised the point of order that there is not a quorum present.

The Secretary was directed to call the roll to ascertain whether there was a quorum present.

The roll was called and twenty-five Senators answered to their names.

A quorum was announced present.

(President in the Chair.)

Question recurring on the passage of the bill to engrossment, yeas and nays were demanded.

The Senate refused to pass the bill to engrossment by the following vote:

Yeas—10.

Collie	Pace
Cotten	Shivers
Head	Van Zandt
Moore	Westerfeld
Neal	Woodruff

Nays—19.

Aikin	Lemens
Beck	Nelson
Brownlee	Newton
Davis	Oneal
Hill	Rawlings
Holbrook	Redditt
Isbell	Roberts

Spears
Stone
Sulak

Weinert
Winfield

Absent.

Burns

Absent—Excused.

Small

Senate Bill No. 139 With House Amendments.

Senator Redditt called up S. B. No. 139 from the President's table, for consideration of the House amendments.

The President laid the bill before the Senate.

Senator Redditt moved that the Senate do not concur in the House amendments to the bill and that a free conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate:

Senators Redditt, Burns, Neal, Nelson and Stone.

Conference Committee on Senate Bill No. 138.

The President announced the appointment of the following conferees on S. B. No. 138 on the part of the Senate:

Senators Redditt, Roberts, Lemens, Rawlings and Hill.

House Joint Resolution No. 24 on Second Reading.

Senator Hill moved that the rule requiring joint resolutions to be read on three several days be suspended and that H. J. R. No. 24 be placed on its second reading and passage to third reading.

The motion prevailed by the following vote:

Yeas—28.

Aikin	Lemens
Beck	Moore
Brownlee	Neal
Collie	Nelson
Cotten	Newton
Davis	Oneal
Hill	Pace
Holbrook	Rawlings
Isbell	Redditt

Roberts
Shivers
Spears
Stone
Sulak

Van Zandt
Weinert
Westerfeld
Winfield
Woodruff

Absent.

Burns

Head

Absent—Excused.

Small

The President laid the resolution before the Senate, it was read second time and was passed to third reading.

House Joint Resolution No. 24 on Third Reading.

Senator Hill moved that the rule requiring joint resolutions to be read on three several days be suspended and that H. J. R. No. 24 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

The President laid the resolution before the Senate, it was read third time and was passed by the following vote:

Yeas—27.

Aikin	Hill
Beck	Holbrook
Brownlee	Isbell
Burns	Lemens
Collie	Neal
Cotten	Nelson
Davis	Newton
Head	Oneal

Pace	Sulak
Rawlings	Van Zandt
Redditt	Weinert
Roberts	Winfield
Shivers	Woodruff
Stone	

Nays—3.

Moore	Westerfeld
Spears	

Absent—Excused.

Small

Report of Free Conference Committee on House Bill No. 130.

Senator Stone submitted the following report of the Free Conference Committee on H. B. No. 130:

Committee Room,
Austin, Texas, May 11, 1937.

Hon. Walter F. Woodul, President of the Senate;

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and Senate on H. B. No. 130, beg leave to report that we have considered the same and recommend that it do pass in the form as attached hereto.

Respectfully submitted,

ONEAL,
BROWNLEE,
STONE,
WEINERT,
LEMENS,

On the part of the Senate.

JAMES,
CAGLE,
DERDEN,
HOWARD,
THORNBERRY,

On the part of the House.

By James, Cagle, H. B. No. 130.
et al.

A BILL**To Be Entitled**

An Act declaring the use of lands for the creation of lakes and reservoirs to be superior to other purposes; providing for the right of eminent domain by conservation and reclamation districts, and other districts created under Section 59 of Article XVI of the Constitution of Texas for the purpose of controlling, storing, and conserving storm and flood waters of

the rivers and streams in Texas; providing the procedure to be followed in such proceedings; prescribing the method of assessing damages, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The use of lands for the construction of dams and the creation of lakes and reservoirs created by such dams constructed on the rivers and streams of the State of Texas by conservation and reclamation districts, and other public districts and bodies politic created for the purpose of the conservation and development of the natural resources of this State, including the controlling, storing, preservation, and distribution of its storm and flood waters of its rivers and streams, for irrigation, power, and all other useful purposes, under Section 59 of Article XVI of the Constitution of the State of Texas, is hereby declared to be superior to all other uses; and for such other purposes all such districts and bodies politic shall have the power and right of eminent domain for the purpose of acquiring by condemnation any and all land, real estate, improvements, and other property owned and held for cemeteries or burial places, necessary for the construction of any dam or lying within the area to be covered by any lake or reservoir to be created by the construction of any such dam, or within three hundred (300) feet of the high water line of any such lake or reservoir.

Sec. 2. The procedure in any such condemnation proceeding shall be as provided by Title 52 of the Revised Civil Statutes of Texas, 1925, as amended; provided that the notice stipulated in Article 3264 shall be served on the owner of the title to the land on which such cemetery is situated, and in addition thereto, general notice to all persons having relatives interred in said cemetery shall be given by publication of such notice for two consecutive weeks in some newspaper published in the English language in the county in which such cemetery is situated, and if there be no such newspaper published in such county, then in a newspaper in the nearest county in which such newspaper is published; and provided further that in assessing damages the measure of damages

for the land shall be assessed as in other cases, and there shall be assessed an additional amount of damages sufficient to provide for the expense of removal and reinterment of any body or bodies interred in any such cemetery or burial place, and the expense of removing and resetting any monuments or markers erected at such graves, which additional sum shall be deposited in the registry of the court and shall be disbursed only for the purpose of removing and reintering such body or bodies in such other cemetery within the State of Texas as may be agreed upon by the directors of such district and the relatives of the deceased person or persons, or in the event such agreement cannot within thirty days be made or no relatives appear to designate such cemetery, then in such cemetery as may be directed by the county judge of the county in which such proceedings are filed; or, in lieu of depositing such additional amount for the removal and reinterment of such body or bodies, the applicant for condemnation may give a bond in such amount as may be fixed by said county judge to cover such costs of removal and reinterment, said bond to be payable to and approved by the county judge, and conditioned that such body or bodies will be removed and reinterred as provided in this Article.

Sec. 3. The importance of this legislation to a very large area of the most productive agricultural and other lands of the State, and the fact that there is not adequate law on this subject and the consequent need of immediate removal of some cemeteries, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and that this Act be placed upon its third reading and final passage, and the said Rule is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

The Senate refused to adopt the report by the following vote:

Yeas—11.

Brownlee	Lemens
Davis	Neal
Hill	Newton

Oneal
Rawlings
Stone

Van Zandt
Weinert

Nays—16.

Aikin
Beck
Collie
Cotten
Holbrook
Isbell
Moore
Nelson

Pace
Redditt
Roberts
Shivers
Spears
Westerfeld
Winfield
Woodruff

Present—Not Voting.

Sulak

Absent.

Burns

Head

Absent—Excused.

Small

Senator Shivers moved to reconsider the vote by which the Senate refused to adopt the report.

The motion to reconsider prevailed.

Question—Shall the report be adopted?

The report was adopted by the following vote:

Yeas—15.

Brownlee
Davis
Head
Lemens
Neal
Newton
Oneal
Rawlings

Roberts
Stone
Sulak
Van Zandt
Weinert
Westerfeld
Winfield

Nays—14.

Aikin
Beck
Burns
Collie
Cotten
Holbrook
Isbell

Moore
Nelson
Pace
Redditt
Shivers
Spears
Woodruff

Absent.

Hill

Absent—Excused.

Small

Bills and Resolution Signed.

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolution:

S. B. No. 164, "An Act to amend Articles 5483 and 5486, Chapter 5, Title 90, of Revised Civil Statutes of 1925, and declaring an emergency."

H. J. R. No. 24, A joint resolution Proposing an amendment to the Constitution of the State of Texas, amending Article 16, Section 61, providing for the abolishing of the salary method of compensating all district, county, and precinct officers of this State, and further providing that such officers shall be paid in such manner and on such basis as may be prescribed by the Legislature; providing for the submission of this amendment to the voters of this State; providing for proclamation of said election by the Governor; and providing for the necessary appropriation to defray necessary expenses for the submission of this amendment.

H. B. No. 711, "An Act amending Article 7005, Revised Civil Statutes of Texas, 1925, as amended by Acts, 1927, Fortieth Legislature, page 156, Chapter 105; Acts, 1931, Forty-second Legislature, page 755, Chapter 299; Acts, 1931, Forty-second Legislature, page 852, Chapter 360; Acts, 1933, Forty-third Legislature, page 14, Chapter 10; Acts, 1933, Forty-third Legislature, Special Law, page 59, Chapter 49; Acts, 1933, Forty-third Legislature, page 636, Chapter 213; and an Act amending Article 7008, Section 2, Revised Civil Statutes of Texas, 1925, as amended by Acts, 1931, Forty-second Legislature, First Called Session, page 73, Chapter 33, and declaring an emergency."

H. B. No. 424, "An Act regulating industrial homework; defining certain terms; prohibiting certain forms of industrial homework; empowering the Board of Health to enforce the provisions of this Act; prescribing the procedure to be used by the Board of Health; requiring an employers permit for industrial homework and providing a license fee therefor; requiring a certificate for any person who shall engage in industrial home work; requiring all materials or articles manufactured by industrial homework to be labeled with the employers' name and address; providing that articles unlawfully manufactured by homework may be seized by the Board of Health; requiring an employer to keep records of industrial home-

work; making it the duty of the Board of Health to enforce the provisions of this Act; authorizing the Board of Health or its authorized representatives to administer oaths and take affidavits; providing a penalty, and declaring an emergency."

Senate Bill No. 7 on Second Reading.

The President laid before the Senate, as a special order for this hour, on its second reading and passage to engrossment:

S. B. No. 7, A bill to be entitled "An Act to provide for the repeal of that section of Article 5420 of the Revised Civil Statutes of the State of Texas, 1925, giving the State the right to file land suits in Travis County instead of the county where the land is situated, to repeal such portion of such section, to require that suits already filed but not tried to be transferred or moved to the proper court in the county where the land is situated, to provide that such suits must hereafter be brought in the county where the land involved or any part thereof may lie, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Motion to Suspend Constitutional Rule.

Senator Holbrook moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 7 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—15.

Beck	Rawlings
Hill	Redditt
Holbrook	Roberts
Isbell	Shivers
Lemens	Spears
Moore	Weinert
Nelson	Winfield
Pace	

Nays—12.

Aikin	Oneal
Brownlee	Stone
Collie	Sulak
Cotten	Van Zandt
Neal	Westerfeld
Newton	Woodruff

Present—Not Voting.
 Davis
 Absent.
 Burns Head
 Absent—Excused.
 Small
Report of Free Conference Committee on House Bill No. 838.
 Senator Redditt submitted the following report of the Free Conference Committee on H. B. No. 838:
 Committee Room,
 Austin, Texas, May 18, 1937.
 Hon. Walter F. Woodul, President of the Senate;
 Hon. R. W. Calvert, Speaker of the House of Representatives.
 Sirs: We, your Conference Com-

mittee, appointed to adjust the differences between the two Houses on H. B. No. 838, beg leave to report that we have had same under consideration and recommend that it do pass in the form and text attached hereto.

Respectfully submitted,

REDDITT,
 WEINERT,
 BECK,
 SMALL,

On the part of the Senate.

GRAVES,
 CAGLE,
 STEVENSON,
 JONES of Falls,

On the part of the House.

By Graves.

H. B. No. 838.

**A BILL
 To Be Entitled**

An Act making an appropriation for the support and maintenance of the Judiciary of the State of Texas for the biennium beginning September 1, 1937, and ending August 31, 1939; requiring certain fees paid to clerks or officers of all Appellate Courts to be deposited monthly in the State Treasury; prescribing certain rules and restrictions respecting the expenditures of appropriations made herein; suspending all laws in conflict herewith; declaring the invalidity of any portion of this Act shall not affect any other portion and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the several sums of money herein specified, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, for the purposes herein indicated, as follows:

**COURT OF CIVIL APPEALS
 First District, Galveston**

	For the Years Ending	
	August 31, 1938	August 31, 1939
1. Salaries of three judges at \$6,500.00 each per year	\$ 19,500.00	\$ 19,500.00
2. Salary of clerk	4,000.00	4,000.00
3. Salaries of deputy clerks and/or law clerks and/or stenographers	3,420.00	3,420.00
4. Salary of porter	750.00	750.00
5. Fuel, lights, water, equipment, maintenance and contingent expenses	650.00	650.00
6. Books for library	625.00	625.00
Total	\$ 28,945.00	\$ 28,945.00

**COURT OF CIVIL APPEALS
 Second District, Fort Worth, Texas**

1. Salaries of three judges at \$6,500.00 each per year	\$ 19,500.00	\$ 19,500.00
2. Salary of clerk	4,000.00	4,000.00
3. Salaries of deputy clerks and/or law clerks and/or stenographers	3,420.00	3,420.00

	For the Years Ending	
	August 31, 1938	August 31, 1939
4. Salary of porter.....	720.00	720.00
5. Equipment, maintenance and contin- gent expenses	500.00	500.00
6. Books for library.....	625.00	625.00
Total.....	\$ 28,765.00	\$ 28,765.00

COURT OF CIVIL APPEALS
Third District, Austin, Texas

1. Salaries of three judges at \$6,500.00 each per year	\$ 19,500.00	\$ 19,500.00
2. Salary of clerk.....	4,000.00	4,000.00
3. Salaries of deputy clerks and/or law clerks and/or stenographers	3,420.00	3,420.00
4. Salary of porter.....	720.00	720.00
5. Equipment, maintenance and contin- tingent expenses	900.00	600.00
6. Books for library.....	400.00	400.00
7. Covering consultation room	200.00	
Total.....	\$ 29,140.00	\$ 28,640.00

COURT OF CIVIL APPEALS
Fourth District, San Antonio, Texas

1. Salaries of three judges at \$6,500.00 each per year	\$ 19,500.00	\$ 19,500.00
2. Salary of clerk.....	4,000.00	4,000.00
3. Salaries of deputy clerks and/or law clerks and/or stenographers	3,420.00	3,420.00
4. Salary of porter.....	720.00	720.00
5. Equipment, maintenance and contin- gent expenses	500.00	500.00
6. Books for library.....	625.00	625.00
Total.....	\$ 28,765.00	\$ 28,765.00

COURT OF CIVIL APPEALS
Fifth District, Dallas, Texas

1. Salaries of three judges at \$6,500.00 each per year	\$ 19,500.00	\$ 19,500.00
2. Salary of clerk.....	4,000.00	4,000.00
3. Salaries of deputy clerks and/or law clerks and/or stenographers	3,420.00	3,420.00
4. Salary of porter.....	720.00	720.00
5. Equipment, maintenance and contin- gent expenses	500.00	500.00
6. Books for library.....	625.00	625.00
Total.....	\$ 28,765.00	\$ 28,765.00

COURT OF CIVIL APPEALS
Sixth District, Texarkana, Texas

1. Salaries of three judges at \$6,500.00 each per year	\$ 19,500.00	\$ 19,500.00
2. Salary of clerk.....	4,000.00	4,000.00
3. Salaries of deputy clerks and/or law clerks and/or stenographers	3,420.00	3,420.00
4. Salary of porter.....	720.00	720.00

	For the Years Ending	
	August 31, 1938	August 31, 1939
5. Light, fuel, equipment, maintenance and contingent expenses.....	725.00	725.00
6. Books for library.....	625.00	625.00
Total.....	\$ 28,990.00	\$ 28,990.00

COURT OF CIVIL APPEALS
Seventh District, Amarillo, Texas

1. Salaries of three judges at \$6,500.00 each per year.....	\$ 19,500.00	\$ 19,500.00
2. Salary of clerk.....	4,000.00	4,000.00
3. Salaries of deputy clerks and/or law clerks and/or stenographers.....	3,420.00	3,420.00
4. Salary of porter.....	750.00	750.00
5. Equipment, maintenance and contin- gent expenses.....	500.00	500.00
6. Books for library.....	625.00	625.00
Total.....	\$ 28,795.00	\$ 28,795.00

COURT OF CIVIL APPEALS
Eighth District, El Paso, Texas

1. Salaries of three judges at \$6,500.00 each per year.....	\$ 19,500.00	\$ 19,500.00
2. Salary of clerk.....	4,000.00	4,000.00
3. Salaries of deputy clerks and/or law clerks and/or stenographers.....	3,420.00	3,420.00
4. Salary of porter.....	750.00	750.00
5. Equipment, maintenance and contin- gent expenses.....	500.00	500.00
6. Books for library.....	625.00	625.00
Total.....	\$ 28,795.00	\$ 28,795.00

COURT OF CIVIL APPEALS
Ninth District, Beaumont, Texas

1. Salaries of three judges at \$6,500.00 each per year.....	\$ 19,500.00	\$ 19,500.00
2. Salary of clerk.....	4,000.00	4,000.00
3. Salaries of deputy clerks and/or law clerks and/or stenographers.....	3,420.00	3,420.00
4. Salary of porter.....	720.00	720.00
5. Equipment, maintenance and contin- gent expenses.....	500.00	500.00
6. Books for library.....	625.00	625.00
Total.....	\$ 28,765.00	\$ 28,765.00

COURT OF CIVIL APPEALS
Tenth District, Waco, Texas

1. Salaries of three judges at \$6,500.00 each per year.....	\$ 19,500.00	\$ 19,500.00
1a. Salary of one special Commissioner.....	6,500.00	6,500.00
2. Salary of clerk.....	4,000.00	4,000.00
3. Salaries of deputy clerks and/or law clerks and/or stenographers.....	3,420.00	3,420.00
4. Salary of porter.....	720.00	720.00

	For the Years Ending	
	August 31, 1938	August 31, 1939
5. Equipment, maintenance and contingent expenses	500.00	500.00
6. Books for library, repairs to furniture	950.00	950.00
Total	\$ 35,590.00	\$ 35,590.00

COURT OF CIVIL APPEALS
Eleventh District, Eastland, Texas

1. Salaries of three judges at \$6,500.00 each per year	\$ 19,500.00	\$ 19,500.00
2. Salary of clerk	4,000.00	4,000.00
3. Salaries of deputy clerks and/or law clerks and/or stenographers	3,420.00	3,420.00
4. Salary of porter	720.00	720.00
5. Equipment, maintenance and contingent expenses	500.00	500.00
6. Books for library	625.00	625.00
Total	\$ 28,765.00	\$ 28,765.00
Traveling expenses of judges of Courts of Civil Appeals when sitting in other districts	\$ 1,500.00	\$ 1,500.00

**SUPREME COURT AND SUPREME COURT COMMISSION OF APPEALS,
SECTIONS A AND B**

1. Salaries of three judges of Supreme Court at \$8,000.00 each per year	\$ 24,000.00	\$ 24,000.00
2. Salaries of six judges of Supreme Court Commission of Appeals, Sections A and B at \$7,500.00 each per year	45,000.00	45,000.00
3. Salary of clerk of Supreme Court, including salary for services to Commission of Appeals	5,400.00	5,400.00
4. Salary of reporter	3,600.00	3,600.00
5. Salaries of two briefing clerks and law clerk-secretaries to the Supreme Court, one not to exceed \$3,000 per year, one not to exceed \$2,750.00 per year; and two law clerk-secretaries to the Supreme Court not to exceed \$2,400 each per year; and four law clerk-secretaries to the Commission of Appeals at not more than \$1,800 each year	21,600.00	21,600.00
6. Salary of marshal and assistant librarian	2,100.00	2,100.00
7. Salary of two porters at \$720 each per year and salary of one porter and record room clerk at \$1,000 per year	2,440.00	2,440.00
8. Salary of one deputy who shall also act as secretary to the Board of Legal Examiners, not to exceed \$3,300 per year, and three deputies not to exceed \$2,700 each per year to be determined by the Clerk with the consent of the Court	11,400.00	11,400.00
9. One deputy clerk and assistant secretary to the Board of Legal Examiners at \$2,100 per year	2,100.00	2,100.00

	For the Years Ending	
	August 31, 1938	August 31, 1939
10. Printing, postage, express, books, re-binding, repairs, furniture, equipment, cases and contingent expenses	5,000.00	5,000.00
Total.....	\$ 122,640.00	\$ 122,640.00

**COURT OF CRIMINAL APPEALS
AND COMMISSION IN AID OF COURT OF CRIMINAL APPEALS**

1. Salaries of three judges at \$8,000 each per year	\$ 24,000.00	\$ 24,000.00
2. Salaries of two judges of Commission in Aid of Court of Criminal Appeals at \$7,500 each per year.....	15,000.00	15,000.00
3. Salary of clerk	4,500.00	4,500.00
4. Salary of bailiff	2,400.00	2,400.00
5. Salaries of briefing clerks and of law-clerk-secretaries, who also do legal research work for the Court of Criminal Appeals and the Commission in Aid of the Court; salaries of briefing clerks not to exceed \$2,400 each per year and of law clerk-secretaries not to exceed \$2,100 each per year	9,000.00	9,000.00
6. Salaries of Court Reporter.....	4,000.00	4,000.00
6a. Salary of Secretary-Clerk to Reporter	1,800.00	1,800.00
7. Salary of porter	720.00	720.00
8. Postage, telephone, box rent, record books, stationery, furniture, filing cases, filing envelopes, typewriters, pictures of deceased judges and contingent expenses	2,000.00	2,000.00
Total.....	\$ 61,000.00	\$ 61,000.00

**STATE PROSECUTING ATTORNEY
Before The Court of Criminal Appeals**

1. Salary of attorney.....	\$ 6,000.00	\$ 6,000.00
2. Salary of secretary and law clerk.....	2,100.00	2,100.00
3. Law books, telephone, postage, furniture, supplies, equipment, and contingent expenses	750.00	750.00
Total.....	\$ 8,850.00	\$ 8,850.00

**JUDICIARY SECTION
COMPTROLLER'S DEPARTMENT**

1. Salaries of 128 District Judges and Criminal District Judges at \$5,000 each per year	\$ 640,000.00	\$ 640,000.00
(Subject, however, to the provisions of Section 6 herein.)		
2. Salaries, including the \$500 Constitutional allowance of 52 District Attorneys at \$4,000 per year (as per Chapter 442, Second Called Session, Forty-fourth Legislature)	208,000.00	208,000.00
3. Salary of Criminal District Attorney in districts composed of two or more counties (Section 18, Chapter 465, Forty-fourth Legislature).....	4,500.00	4,500.00

	For the Years Ending	
	August 31, 1938	August 31, 1939
4. Salary of District Attorney of 34th District (El Paso).....	5,500.00	5,500.00
5. Salary of Assistant District Attorney of 34th District (El Paso).....	2,700.00	2,700.00
6. Salaries of Assistant District Attorneys of 53rd District (Travis County), first Assistant at \$2,700 per year....	5,700.00	5,700.00
7. Salary of Assistant District Attorney of Special 9th District (H. B. No. 142, First Called Session of Forty-third Legislature)	2,750.00	2,750.00
8. Salary of one Assistant District Attorney or one investigator in 49th District	1,800.00	1,800.00
9. Compensation of one Assistant District Attorney or one special investigator for each of the following judicial districts: 49th, 53rd, 30th and 72nd; total of 4 assistants' at \$1,800.00 each per year.....	7,200.00	7,200.00
9a. Salary of Assistant District Attorney in 47th District.....	2,510.00	2,510.00
10. Salary of Assistant District Attorney of 22nd District (per Article 326K-3, Revised Civil Statutes of Texas, 1925)	3,600.00	3,600.00
11. District Judges and District Attorneys expenses in districts composed of two or more counties (per Article 6820, Revised Civil Statutes of Texas, 1925) payable quarterly.....	47,400.00	47,400.00
12. Special District Judges' salaries and regular District Judges' expenses when holding Court out of their districts	7,500.00	7,500.00
13. Transcript fees to official court reporters for narrative statement of facts and/or in cases where court is required and does appoint attorney to represent defendant in criminal action, and when official reporter is required and does furnish defendant's attorney with transcript of his notes as is provided by law	1,000.00	1,000.00
14. Fees and cost of officials in cases of escheated estates, including accrued fees	50.00	50.00
15. Fees and cost of Sheriffs, Attorneys and clerks in felony cases, and fees of County Judges, County Attorneys, Justices of the Peace, Sheriffs and Constables in examining trials where indictments are returned.....	218,546.00	218,546.00
16. Apportionment to counties where county officers are paid salaries. (per Chapter 465, Section 6a, Second Called Session, Acts Forty-fourth Legislature)	436,090.00	436,090.00
17. Apportionments to counties where county officers are paid salaries and		

		For the Years Ending August 31, 1938	August 31, 1939
where there is a Criminal District Attorney or County Attorney performing the duties of District Attorneys (for 33 counties; per subsection B, Section 13, Chapter 465, Acts Forty-fourth Legislature).....		146,429.00	146,429.00
18.	Expenses of attached witnesses, witness fees, and mileage allowed witnesses in felony cases where the witness lives outside the county where the case is being tried.....	210,000.00	210,000.00
19.	Special Judges of Supreme Court, Court of Criminal Appeals and Civil Appeals, where regular Judges are disqualified and where special Judges are appointed; per diem to be same as regular District Judge receives	1,200.00	1,200.00
20.	Expenses of Civil Judicial Council (per Senate Bill No. 52, First Called Session, Forty-first Legislature).....	1,350.00	1,350.00
21.	Traveling expenses of Judges of Courts of Civil Appeals when sitting in other districts	1,500.00	1,500.00
Total.....		\$ 1,955,325.00	\$ 1,955,325.00

GENERAL PROVISIONS—JUDICIARY

Sec. 2. All amounts appropriated in this Act for law books, or expended therefor under authority of this Act, shall be paid out of the General Fund and the special accounts in the General Revenue Fund as hereinafter provided. In accordance with the provisions of Chapter 104 of the printed General Laws in the Regular Session of the Forty-fourth Legislature, the several Courts of Civil Appeals are hereby authorized to purchase law books out of their local receipts, and there are hereby appropriated to each of said courts for such purposes for each of the fiscal years ending August 31, 1938, and August 31, 1939, the sum of Six Hundred and Twenty-five (\$625.00) Dollars out of their local receipts in addition to the specific amounts herein appropriated for library books for said courts; provided further, and in accordance with said law that any of said Courts of Civil Appeals receiving a specific appropriation of less than \$625.00 per year for library books shall not expend from said local receipts more than the said specific amount herein appropriated.

Sec. 3. The salaries of all deputy clerks, law clerks, law clerk-secretaries, briefing clerks, secretaries and stenographers for whom appropriations are made in this Act in lump sums shall be fixed by the several courts at not exceeding the amounts specified herein. However if any such employee's services are not needed or used his salary shall not be used to supplement other employee's salaries.

Sec. 4. All fees paid to any court for which appropriations are made herein or to any of the clerks, officers or employees of any such court, whether such fees are for official or unofficial copies of opinions, carbon copies, or for other services or documents, shall be deposited at the close of each month in the General Revenue Fund of the State Treasury and shall be carried as a special account in said fund for the court depositing same, and none of such fees shall be retained by or paid to said clerks, officers or employees. Each court employee whose salary is provided for herein, except porters, shall file, with such court monthly payroll, with the Comptroller at the end of each month an affidavit showing that he has not retained any compensation out of any court fees or other fees received by him or the court during the previous month and showing that

all such fees have been deposited in the State Treasury. The Comptroller shall not issue a warrant in payment of the salary of any such employee for any month unless and until the affidavit required herein has been filed for said previous month.

Sec. 5. (a) Appropriations made in this Act are intended to be, and shall be, construed as being the maximum sums, respectively, except the extra amounts for library books herein provided, which may be used in any way for the purposes or objects named in the Act, and obligations shall not be incurred in any case which, when the amount thereof added to expenditures actually made, will exceed such maximum sum; and no surplus shall be diverted from one appropriation to another.

(b) All printing and stationery shall be purchased through the Board of Control and shall be confined to such articles and qualities as selected and contracted for by the Board of Control.

(c) No account against any items of witness fees, County Attorneys', Justices' of Peace, Sheriffs', and Constables' fees, and costs of Sheriffs, Attorneys and Clerks in felony cases, shall be binding as an obligation against the State of Texas, until such account shall have been examined, audited, and approved by the State Comptroller, and no such account shall be paid by the State Treasurer until the same has been approved by the Comptroller.

(d) It shall be the duty of each of the Appellate Courts and judicial agencies of the State annually, and within sixty (60) days after the close of the State's fiscal year, to make a sworn statement to the Governor and the Board of Control of all amounts received and/or expended by said court and/or agency. A report from each court shall be filed annually for the calendar year with the Governor, and a copy thereof with the State Board of Control, showing the total number of cases filed in each court during the year, the number of cases transferred to and from each court, the number of cases disposed of with proper divisional classification as to total number of cases similarly disposed of, that is, by dismissal, final judgment, reversal, affirmance and any other statistical data which may be required by the Governor or State Board of Control.

(e) Annual salaries provided for herein shall be paid in twelve (12) equal monthly installments.

(f) No funds appropriated in this bill shall be used to pay any expense of traveling outside the boundaries of the State of Texas except for returning fugitives on trips authorized by the Governor, or for payment (or reimburse for payment) of any tip or gratuity whatsoever.

(g) Each officer, agent or employee of a court named in this Act and entitled to be paid a salary or other compensation out of any appropriation above made shall be paid by warrant and/or check issued in his or her name and specifically showing the amount of salary or sum due and the services for which the payment is being made (with date or dates and place or places of performance of such services) such warrant and/or check to be endorsed, before payment thereof, by such officer, agent or employee.

(h) Money appropriated above for stamps or postage shall be expended only upon warrants made payable to a Postmaster and endorsed by such Postmaster or his deputy or authorized clerk.

(i) That portion of every appropriation out of State funds or local receipts made herein which is unexpended at the close of the fiscal year for which the appropriation is made shall immediately revert to and become a part of the General Revenue Fund. It is hereby provided that the word "unexpended" as used in this Act means "not disbursed nor contracted to be disbursed."

Sec. 6. Provided, however, that no district judge in this State in any county having a population of less than three hundred and fifty thousand (350,000) inhabitants, according to the last preceding or any future Federal census, shall receive an annual salary of more than Sixty-five Hundred Dollars (\$6,500.00) from all sources of public funds, including that paid by the State and that paid by any such county as services for juvenile work, and in any case where the district judge receives more than

Fifteen Hundred Dollars (\$1500.00) from any such county for his services for juvenile work, then, the salary of Five Thousand Dollars (\$5,000.00) per annum herein provided for shall be reduced by the same amount which he receives from any such county in excess of Fifteen Hundred Dollars (\$1500.00), and the Comptroller is hereby prohibited from issuing any warrant to any district judge in any amount which will, together with his salary from any such county for juvenile work, exceed the sum of Sixty-five Hundred Dollars (\$6500.00) per annum. This limitation is imposed as a condition precedent to the right of any district judge to receive his salary from the State.

Sec. 7. All laws and parts of laws in conflict herewith are expressly suspended for the period of the biennium for which this appropriation is made.

Sec. 8. If any section, sentence, clause, or part of this Act shall, for any reason, be held to be invalid, such decision shall not affect the remaining portions of this Act, and it is hereby declared to be the intention of the Legislature to have passed each sentence, section, clause, or part thereof irrespective of the fact that any other sentence, section, clause or part thereof may be declared invalid.

Sec. 9. The fact that the above and foregoing is one of the regular appropriation bills to pay the salaries, support, maintenance and operation of the Judiciary and other important agencies of the State for the two (2) fiscal years beginning September 1, 1937, and ending August 31, 1939, and the crowded condition of the calendars of the two Houses of the Legislature, create an emergency and an imperative public necessity, requiring the Constitutional Rule that bills be read on three several days be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

RECAPITULATION

	For the Years Ending	
	August 31, 1938	August 31, 1939
Court of Civil Appeals, First District, Galveston	\$ 28,945.00	\$ 28,945.00
Court of Civil Appeals, Second District, Fort Worth	28,765.00	28,765.00
Court of Civil Appeals, Third District, Austin	29,140.00	28,640.00
Court of Civil Appeals, Fourth District, San Antonio	28,765.00	28,765.00
Court of Civil Appeals, Fifth District, Dallas	28,765.00	28,765.00
Court of Civil Appeals, Sixth District, Texarkana	28,990.00	28,990.00
Court of Civil Appeals, Seventh District, Amarillo	28,795.00	28,795.00
Court of Civil Appeals, Eighth District, El Paso	28,795.00	28,795.00
Court of Civil Appeals, Ninth District, Beaumont	28,765.00	28,765.00
Court of Civil Appeals, Tenth District, Waco	35,590.00	35,590.00
Court of Civil Appeals, Eleventh District, Eastland	28,765.00	28,765.00
Traveling Expenses of Judges of Courts of Civil Appeals when sitting in other dis- tricts	1,500.00	1,500.00
	<hr/>	<hr/>
	\$ 325,580.00	\$ 325,080.00
Supreme Court and Supreme Court Com- mission of Appeals, Sections A. and B. \$	122,640.00	\$ 122,640.00

	For the Years Ending	
	August 31, 1938	August 31, 1939
Court of Criminal Appeals and Commission is Aid of Court of Criminal Appeals; and State Prosecuting Attorney before Court of Criminal Appeals	70,470.00	70,470.00
Judiciary of Comptroller's Department	1,955,325.00	1,955,325.00
Grand Totals	\$ 2,474,015.00	\$ 2,473,515.00
Combined Grand Total	\$ 4,947,530.00	

On motion of Senator Redditt, the report was adopted.

House Bill No. 7 on Second Reading.

Senator Van Zandt moved that the regular order of business be suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 7, A bill to be entitled "An Act creating a State Board of Public Welfare for the State of Texas; providing for the appointment of a State Board of Public Welfare; providing that said Board shall consist of nine (9) members, one (1) of whom shall be a representative of labor; prescribing their terms of office, qualifications and duties, and fixing their compensation; providing that any member offering himself as a candidate for public office shall automatically be disqualified from holding membership on said Board; providing that no member shall serve more than two consecutive terms; providing that the Board, its agents and employees shall constitute the State Department of Public Welfare; prescribing the rights, powers and duties of said State Department of Public Welfare; providing for the selection and appointment of an Executive Director; prescribing the qualifications, duties and fixing the salary of such Executive Director; providing for reports of the Executive Director and of the Board; etc., and declaring an emergency."

(Senator Rawlings in the Chair.)

The motion prevailed by the following vote:

Yeas—24.

Brownlee	Hill
Burns	Holbrook
Collie	Isbell
Cotten	Lemens
Davis	Moore
Head	Neal

Nelson	Shivers
Newton	Spears
Oneal	Stone
Pace	Sulak
Rawlings	Van Zandt
Redditt	Weinert

Nays—4.

Aikin	Roberts
Beck	Woodruff

Absent.

Westerfeld	Winfield
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Absent—Excused.

Small

The Presiding Officer laid the bill before the Senate, and it was read second time.

Senator Van Zandt offered the following amendment to the bill:

Amend H. B. No. 7 by striking out all below the enacting clause and substituting in lieu thereof the following:

Sec. 1. As used in this Act and unless a different meaning appears in the context:

a. The term "Board" means the State Board of Control.

b. The term "Division" means the Division of Public Welfare of the State Board of Control, its agents, representatives, and employees.

c. The term "Executive Director" means Executive Director of the Division of Public Welfare.

d. The term "Public Welfare" means and includes all forms of public assistance and specific services provided for in this Act.

e. The term "Dependent and Destitute Child" means a needy child under the age of fourteen (14) years, who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and whose relatives liable under the law for his sup-

port are not able to provide proper care or support for such child without public assistance, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle or aunt, in a place of residence maintained by one or more such relatives as his or their home.

f. The term "Child Welfare Services" means services for children provided for in this Act.

Sec. 2. There is hereby created a Division of Public Welfare of the State Board of Control.

Sec. 3. Whenever, by any of the provisions of this Act, or of any other Act, any right, power, or duty is imposed or conferred on the Division of Public Welfare, the right, power, or duty so imposed or conferred shall be possessed and exercised by the State Board of Control through the Division of Public Welfare, unless any such right, power, or duty is delegated to the duly appointed agents or employees of such Division, or any of them, by an appropriate rule, regulation, or order of the Board.

Sec. 4. a. The Board shall select and appoint an Executive Director who shall serve as the executive and administrative officer of the Division. He shall be a person of demonstrated executive ability and extensive experience in public welfare. He shall serve at the pleasure of the Board and his salary shall be fixed by the Board until otherwise changed by biennial appropriations therefor, not to exceed Forty-five Hundred Dollars (\$4500) annually.

b. The Board shall adopt all policies, rules, and regulations for the administration of the Division.

c. The Board, through the Division, is hereby charged with the administration or supervision of the public welfare activities of the State as hereinafter provided. The Board through the Division shall:

1. Administer or supervise aid to dependent and destitute children and assistance to the needy blind.

2. Administer or supervise all child welfare services, except as otherwise provided for.

3. Make such rules and regulations and take such action as may be deemed necessary or desirable to carry out the provisions of this Act,

and which are not inconsistent therewith.

4. Cooperate with the Federal Social Security Board, created under Title 7 of the Social Security Act enacted by the Seventy-fourth Congress and approved August 14, 1935, and any amendments thereto, and with any other agency of the Federal Government in any reasonable manner which may be necessary to qualify for Federal aid for assistance to persons who are entitled to assistance under the provisions of that Act, and in conformity with the provisions of this Act, including the making of such reports, in such form and containing such information as the Federal Social Security Board or any other agency of the Federal Government may, from time to time, require, and comply with such requirements as such Board or agency may, from time to time, find necessary to assure the correctness and verification of such reports.

5. Fix the fees to be paid to ophthalmologists and eye specialists, for the examination of applicants for, and recipients of, assistance as needy blind persons.

6. Have the power and it shall be its duty to:

(a) Classify all positions in the administration of this Act (except that of Executive Director);

(b) Fix the standards for all positions included in the classification;

(c) Formulate salary schedules for the services so classified, subject to biennial appropriations;

(d) Provide for the fair and impartial selection, appointment, and retention of all personnel (except the Executive Director).

7. Assist other departments, agencies, and institutions of the local, State, and Federal Governments, when so requested and cooperate with such agencies when expedient, in performing services in conformity with the purposes of this Act.

8. May establish in counties, or in districts, which may include two (2) or more counties, local units of administration to serve as agents of the Division. To serve in an advisory capacity to such local, county, or district units, there may be established local boards of public welfare, but such boards shall receive no compensation.

d. The Board shall have the right to coordinate the work of the employees of the Old Age Assistance Commission and the employees allowed under this Act for the purposes of efficiency and economy in administration of both Acts; and, where possible, the agencies of the Old Age Assistance Commission are hereby directed to be utilized.

Sec. 5. The Executive Director shall prepare and submit to the Board for its approval a biennial budget of all funds necessary to be appropriated by the Legislature for the Division for the purposes of this Act, including in such budget an estimate of all Federal funds which may be allotted to this State by the Federal Government for the purposes of the Division. The budget so prepared shall be submitted to and filed with the Budget Officer of the Board in the form and manner and within the time prescribed by law.

Sec. 6. The Executive Director shall prepare annually a full report of the operation and administration of the Division, together with such recommendations and suggestions as he may deem advisable, and such report shall be submitted to the Board not later than the 1st day of October of each year. The Board, in turn, shall submit a report to the Governor and the Legislature.

Sec. 7. a. All of the rights, powers, and duties heretofore conferred by law on the Division of Child Welfare, when not otherwise in conflict with any of the provisions of this Act, are hereby continued in full force and effect, and are hereby transferred to, and conferred upon, the Division of Public Welfare as created by this Act, and shall be held, exercised, and performed by the Division of Public Welfare under the provisions of this Act and the several Acts now in force. To effectuate this purpose the Division of Child Welfare, its staff, (subject to the subsequent operation of Section 4 c. (6) of this Act), records, and physical properties are transferred to the Division of Public Welfare and placed under its supervision, and the Division of Child Welfare of the State Board of Control is hereby abolished.

b. All of the rights, powers, and duties heretofore conferred by law upon the Texas Relief Commission, not otherwise in conflict with any of

the provisions of this Act, are hereby continued in full force and effect, and are hereby transferred to, and conferred upon, the Division of Public Welfare as created by this Act, and shall be held, exercised, and performed by the Board through the Division of Public Welfare under the provisions of this Act, and the several Acts now in force, and any amendment or amendments thereto which might be made. To effectuate this purpose, the staff, (subject to the subsequent operation of Section 4 c. (6) of this Act), records, and physical properties of the Texas Relief Commission are transferred to the Division of Public Welfare and placed under its supervision, and the Texas Relief Commission, as referred to in Chapter 30 of the Acts of 1935, is hereby abolished.

c. Provided, that no provision of this Act shall in any manner interfere with the powers and functions of the Vocational Rehabilitation Department of Education, the State Commission for the Blind, or the Division of Maternal and Child Health of the State Health Department.

Sec. 8. The State of Texas hereby accepts all of the provisions and benefits of the Federal "Social Security Act," enacted by the Congress of the United States and approved on August 14, 1935, which, by the provisions of this Act, the Board through the Division is authorized to administer, and will observe and comply with all of the requirements of such Act and the several amendments thereto and the rules and regulations issued thereunder and in conformity therewith.

Sec. 9. a. The State Treasurer is hereby designated as the custodian of any and all money which may be received by the State of Texas, (which the Board through the Division is authorized to administer), from any appropriations made by the Congress of the United States for the purpose of cooperating with the several States in the enforcement and administration of the several provisions of the Federal "Social Security Act," and all money received from any other source; and the State Treasurer is hereby authorized to receive such money, pay it into the proper fund or the proper account of the General Fund of the State Treasury, provide for the proper

custody thereof and to make disbursements therefrom upon the order of the Board and upon warrant of the State Comptroller of Public Accounts.

b. The State Treasurer shall transfer to the credit of an account to be designated and known as "The Division of Public Welfare of the Board of Control" any moneys in the General Fund or any special fund credited to the Division of Child Welfare of the Board of Control, and the Texas Relief Commission of the Board of Control, for the remainder of the biennium commencing on the effective date of this Act. Provided that all General or Special Funds hereby transferred shall be expended only for the purpose or purposes for which they were created or appropriated.

Sec. 10. The Board is hereby designated as the State Agency to cooperate with the Federal Government in the administration of the provisions of Title IV, Part 3 of Title V, and Title X, of the Federal "Social Security Act." The Board is hereby authorized and directed to cooperate with the proper departments of the Federal Government and with all other departments of the State and local governments in the enforcement and administration of such provisions of the Federal "Social Security Act," and any amendments thereto and the rules and regulations issued thereunder, and in compliance therewith, in the manner prescribed in this Act, or as otherwise provided by law.

Sec. 11. Assistance shall be given under the provisions of this Act to any needy blind person who:

a. Is over the age of 21 years; and

b. Whose vision is insufficient for the use in an occupation for which sight is essential; and who

c. Has resided in this State for five (5) years during the nine (9) years immediately preceding the date of application, or who suffered loss of sight while a resident of this State and has resided continuously in this State since such loss of sight, or who was blind and resided in this State at the time of the passage of this Act, and who has resided in this State continuously for one year immediately preceding the date of application; and

d. Who is not an inmate of any eleemosynary, charitable or correctional institution of this State, or of any county or city thereof; provided that an inmate of such a charitable institution may, at the discretion of the Division of Welfare of the State Board of Control, be granted a benefit in order to enable him to maintain himself outside the institution; and

e. Who is not publicly soliciting alms in any part of this State. The term "publicly soliciting" shall be construed to mean the wearing, carrying, or exhibiting the signs denoting blindness, or the carrying of receptacles for the reception of alms, or the doing of the same by proxy, or by begging from house to house.

f. Who is a citizen of the United States.

Sec. 12. No aid to needy blind persons shall be given under the provisions of this Act to any individual for any period with respect to which he is receiving aid under the Old Age Assistance Act of the State of Texas.

Sec. 13. The amount of assistance which shall be granted to any blind person shall be determined by the Board through the Division, through its district or county agencies in the county or district in which the blind person resides, with due regard to the resources and necessary expenditures of such blind person, and the conditions existing in each case, and in accordance with the rules and regulations made by the Board, and who has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.

Sec. 14. The amount of assistance that may be paid to any blind person, who has qualified under the terms of this Act, shall not exceed the sum of Fifteen Dollars (\$15) per month, and, in addition thereto, such funds as the Federal Government may appropriate and allocate to the State of Texas from time to time shall be distributed among the recipients of assistance in like manner as State funds are paid under the terms of this Act; provided that in no case such assistance be in an amount which, when added to the income of the applicant from all other sources, including income from property and from the State and Federal Government, shall exceed a total of Thirty

Dollars (\$30) per month, provided that the assistance granted herein shall be granted in such amounts as will provide reasonable subsistence not incompatible with good health and decency.

Sec. 15. No application for assistance as a needy blind person shall be approved until the applicant shall have been examined by an ophthalmologist, eye specialist, or a physician licensed to practice medicine in Texas, and who has been approved by the Board through the Division to make such examinations. The examining ophthalmologist, eye specialist, or physician shall certify, in writing upon forms prescribed by the Board through the Division as to the cause, diagnosis, and prognosis, and shall make recommendations as to medical and surgical treatment. The Board shall adopt reasonable fee schedules for such examinations. Such fees shall be paid out of the funds appropriated to the Division for the purpose of assistance to needy blind persons under the provisions of this Act or for administrative expense.

Sec. 16. No assistance given to any needy blind person under the provisions of this Act shall be transferable or assignable, at law or in equity, and none of the money paid or payable under the provisions of this Act shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any insolvency law.

Sec. 17. All assistance granted under the provisions of this Act to any needy blind person shall be reconsidered as frequently as may be required by the rules of the Division. After such further investigation as the Board through the Division may deem necessary or may require, the amount of assistance may be changed, or assistance may be entirely withdrawn if the Board through the Division finds that the recipient's circumstances have altered sufficiently to warrant such action. The Division may at any time cancel and revoke assistance or it may suspend assistance for such period as it may deem proper, upon the ground of ineligibility of the recipient under the provisions of this Act. Whenever assistance is thus withdrawn, revoked, suspended, or in any way changed, the Division

shall at once notify the recipient of such decision.

Sec. 18. Every recipient of assistance as a needy blind person shall submit to a re-examination of his eyesight at least once every two (2) years, unless excused therefrom by the Division. He shall also furnish any information required by the Division.

Sec. 19. No assistance under the provisions of this Act shall be granted or continued to any needy blind person who refuses medical, surgical, or other treatment, when his eyesight may be partially or wholly restored by such treatment and a certificate in writing to that effect is made by the examining physician, ophthalmologist, or eye specialist. Any person who is denied assistance upon this ground shall be granted an opportunity for a fair hearing as herein provided. The Board may appoint regular practicing physicians to examine the needy blind as to their physical conditions, and appoint ophthalmologists, eye specialists, or physicians, to examine applicants as to the condition of their eyes.

Sec. 20. If the Division, upon examination, finds that the recipient or claimant for assistance may have such disability benefited or removed by proper surgical operation or medical treatment, according to the evidence of a qualified ophthalmologist, eye specialist, or physician, and such person entitled to such assistance files his consent in writing, then the Division may expend for such surgical operation or medical treatment and other expenses incidental thereto, all or any portion of the assistance which the said Division may award any such person for one year under the provision of this Act. In such case, the warrant may be directly issued to the person performing such surgical operation or rendering such medical or other services, by the Division, instead of being paid as the Division may have directed to the person entitled thereto.

Sec. 21. Any person who shall knowingly, or wilfully procure or attempt to procure, directly or indirectly, any allowance for assistance under this Act, for or on account of a person not entitled thereto, or who shall knowingly or wilfully pay, or permit to be paid, any allowance

to a person not entitled thereto, shall be guilty of a misdemeanor and shall be fined not less than One Hundred Dollars (\$100), or not less than six (6) months, nor more than two (2) years imprisonment in the county jail, or by both fine and imprisonment.

Sec. 22. The Board shall promulgate such rules and regulations stating, in terms of ophthalmic measurements, the amount of visual acuity which an applicant may have and still be eligible for assistance under this Act.

Sec. 23. Assistance shall be given under the provisions of this Act to any dependent and destitute child who:

a. Is a citizen of the United States;

b. Has resided in this State for a period of at least one year immediately preceding the date of the application for such assistance; or was born within the State within one year immediately preceding the date of application, and whose mother has resided in the State for a period of at least one year immediately preceding the birth of such child; and

c. Is living in a suitable family home conforming to the standards of care and health, fixed by the laws of this State and the rules and regulations of the Board.

Sec. 24. The amount of assistance which shall be granted for any dependent and destitute child shall be determined by the Board through the Division, through its district or county agencies in the county or district in which the child resides, with due regard to the resources and necessary expenditures of the family of such child and the conditions existing in each case, and in accordance with the rules and regulations made by the Board, and shall be sufficient, when added to all other income and support available to the child to provide such child with a reasonable subsistence compatible with decency and health. Provided that the amount of assistance that may be paid for any dependent and destitute child, who has qualified under the terms of this Act, shall not exceed the sum of Eight Dollars (\$8) per month, or if there is more than one dependent and destitute child in the same home, the aggregate sum paid for all such children shall not ex-

ceed Twelve Dollars (\$12) per month, and, in addition thereto, such funds as the Federal Government may appropriate and allocate to the State of Texas from time to time shall be distributed to the recipients of assistance in like manner as State funds are paid under the terms of this Act; provided that in no case shall such assistance be in an amount which, when added to the assistance received from all other sources, including assistance from the State and Federal Governments, shall exceed a total of Sixteen Dollars (\$16) per month for any one such dependent and destitute child, or if there is more than one dependent and destitute child in the same home, the aggregate sum paid for all such children shall not exceed Twenty-four Dollars (\$24) per month.

Sec. 25. Application for assistance for a dependent and destitute child under the provisions of this Act shall be made in the manner and upon the form prescribed by the Board. During the period in which assistance is granted, the local office shall be responsible for continuous supervision and general guidance of all children aided.

Sec. 26. When the investigation discloses that a child in whose behalf application for assistance has been made is a dependent and destitute child as defined in this Act, and that such child is living, or will live, with one or more of the relatives prescribed in this Act, assistance may be allowed for the support of such child without complying with any law of this State other than the provisions of this Act.

Sec. 27. The Board through the Division is hereby designated as the agency to cooperate with the Children's Bureau of the United States Department of Labor in:

a. Establishing, extending, and strengthening, especially in predominantly rural areas, public welfare services for the protection and care of homeless, dependent, and neglected children and children in danger of becoming delinquent; and

b. Developing State services for the encouragement and assistance of adequate methods of community child welfare organization and paying part of the cost of district, county, or other local child welfare services in areas predominantly

rural and in other areas of special need; and as may be determined by the rules and regulations of said Board; and

c. Developing such plans as may be found necessary to effectuate the services contemplated in this Section, and to comply with the rules and requirements of the Children's Bureau of the United States Department of Labor issued and prescribed in conformity with, and by virtue of, the Federal "Social Security Act."

Sec. 28. Assistance shall be granted under the provisions of this Act to all persons or families who are in dependent and needy circumstances, and who are ineligible for, or not currently receiving, assistance in other categories specified in this Act.

Sec. 29. The Board through the Division shall designate or establish district or local units of administration as its agents in administering these general relief services.

Sec. 30. The Board through the Division is hereby designated as the State Agency to cooperate with the Federal Government in the proper administration and distribution of Federal surplus commodities and any other Federal resources now on hand and available, or that may be provided in the future.

Sec. 31. Whenever an application for assistance made by a needy blind person, or with respect to a dependent and destitute child, is denied, or a grant that has been made is revoked, cancelled, or modified, the applicant or recipient, as the case may be, shall have an opportunity for a fair hearing before the Board or a responsible agent designated by the Board within a reasonable time. All decisions on fair hearing shall be made by the Board.

Sec. 32. No person shall make any charge or receive any fee for representing any applicant or recipient of assistance to the needy blind or to any dependent and destitute child, or for any child welfare services with respect to any application before the State Board or any of its agents, whether such fee or charges be paid by the applicant or recipient or any other person, except the usual and customary notary fees.

Sec. 33. All records concerning any applicant or recipient contemplated in this Act shall be confiden-

tial, and shall be open to inspection only to persons duly authorized by the State or the United States, in connection with their official duties; provided, however, that such records shall be available to applicants and recipients and their duly authorized agents for use in a hearing before the Board or any other tribunal.

Sec. 34. Nothing contained in this Act shall be construed to relieve any person from the liability of maintaining and supporting his parent or parents or child or spouse as provided or hereinafter provided by the laws of this State. If at any time during the continuance of needy blind assistance or assistance to dependent and destitute children, or general relief, the Division has reason to believe that a spouse, son, or daughter or parent of recipient is liable for the support of the recipient and is reasonably able to assist the recipient, the Board through the Division shall, after notifying such person of the amount of the assistance granted, be empowered to bring suit against such spouse, son, or daughter or parent to recover the amount of assistance paid under the provisions of this Act subsequent to such notice, or such part thereof as such spouse, son, or daughter or parent might reasonably have paid.

Sec. 35. Any person who is receiving assistance under the provisions of this Act and who moves out of and does not reside in the State shall, by virtue of that fact, be deemed ineligible to receive assistance in this State, except that temporary absence from the State for such periods of time, and for such reasons as the Board through the Division shall approve, shall not be deemed to interrupt the residence of the recipient as prescribed in this Act.

Sec. 36. No person who has attained the age of sixty-five (65) and who is not receiving old-age assistance shall, by reason of his age, be debarred from receiving other public relief and care.

Sec. 37. The purpose of this Act is to inaugurate a program of social security and to provide necessary and prompt assistance to the citizens of this State who are entitled to avail themselves of its provisions. This Act shall be liberally construed in order that its purposes may be

accomplished as equitably, economically, and expeditiously as possible.

Sec. 38. Whoever obtains, or attempts to obtain, or aids or abets any person to obtain, by means of a willfully false statement or representation or by impersonation, or by other fraudulent means:

a. Assistance, services, or treatment to which he is not entitled;

b. Assistance, services, or treatment greater than that to which he is justly entitled;

c. Payment of any forfeited installment grant; or with intent to defraud, aids or abets in buying or in any way disposing of the property of a recipient of assistance without the consent of the Board through the Division, or whoever violates Section 33 of this Act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined any sum not more than One Hundred Dollars (\$100) or be imprisoned for not less than three (3) months, nor more than two (2) years, or be both so fined and imprisoned.

Sec. 39. a. Notwithstanding the taking effect of this Act, the several officers and agencies of the State whose duties are transferred by this Act to the Division shall continue to discharge the respective duties which they were discharging at the time of the taking effect of this Act, until the Board shall certify in writing, to the Secretary of State and the Comptroller of Public Accounts, that the Division of Public Welfare is organized, as prescribed in this Act and is prepared to assume the duties assigned to it by the provisions of this Act.

b. All matters and orders pending before or made by any officer or department or unit transferred under this Act to the Division shall be deemed to be continued in like status in such department.

Sec. 40. All assistance granted under the provisions of this Act shall be deemed to be granted and to be held subject to the provisions of any amending or repealing Act that may hereafter be passed, and no recipient shall have any claim for compensation, or otherwise, by reason of his assistance being affected in any way by any amending or repealing Act.

Sec. 41. At such time as county

or district boards may be appointed under the terms of this Act, County Child Welfare Boards established in conformity with Section 4 Acts of 1931, Forty-second Legislature, page 323, Chapter 194, shall be dissolved and shall cease to function.

Sec. 42. There is hereby appropriated out of the general revenue of this State an additional sum of Twenty-five Thousand Dollars (\$25,000), or so much thereof as may be necessary, for the purpose of carrying out the provisions of this Act for the biennium ending August 31, 1937, and thereafter moneys are to be appropriated by the Legislature of the State of Texas.

Sec. 43. No provision of this Act is intended to release the counties in this State from the specific responsibility which is currently borne by those counties in support of public welfare, child welfare, and relief services. Such funds which hereafter may be appropriated by the counties for those services and administered through the county or district offices shall be devoted exclusively to the services in the county making such appropriation.

Sec. 44. For the purpose of paying the additional expenses placed upon the Comptroller of Public Accounts under the provisions of this Act, including the purchase of equipment and supplies, printing of warrants, and stationery, office space, and any other expenses necessary in carrying out the provisions of this Act, there is hereby appropriated, out of any money in the State Treasury not otherwise appropriated, the sum of Ten Thousand Dollars (\$10,000), or so much thereof as may be necessary, for the period beginning on the effective date of this Act and ending August 31, 1937.

Sec. 45. If any section, subsection, paragraph, sentence, clause, phrase, or word of this Act, or the application thereof to any person or circumstance is held invalid, such holding shall not affect the validity of the remaining portions of the Act, and the Legislature hereby declares that it would have passed such remaining portions despite such invalidity.

Sec. 46. This Act shall be known and may be cited as "The Public Welfare Act of 1937."

Sec. 47. All Acts, laws, or parts

thereof in conflict with this Act are hereby repealed.

Sec. 48. The fact that there is not a proper agency in this State for administering the several provisions and benefits provided under the provisions of the Federal "Social Security Act," of 1935, and the further fact that there are thousands of needy persons in this State entitled to such benefits, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be, and the same is hereby suspended, and this Act shall take effect from and after the date of its passage, and it is so enacted.

And amend the caption to conform.

Question—Shall the amendment be adopted?

Senator Van Zandt moved that further consideration of the bill be postponed until 10:30 o'clock a. m. tomorrow.

The motion prevailed.

House Concurrent Resolution No. 89.

On motion of Senator Hill and by unanimous consent, the regular order of business was suspended, to take up for consideration at this time:

H. C. R. No. 89, Granting Mrs. Mary Esther Ramsey permission to sue the State of Texas and the Highway Department.

The Presiding Officer laid the resolution before the Senate, and it was adopted.

House Concurrent Resolution No. 90.

On motion of Senator Hill and by unanimous consent, the regular order of business was suspended, to take up for consideration at this time:

H. C. R. No. 90, Granting R. L. Gillespie permission to sue the State of Texas and the Highway Department.

The Presiding Officer laid the resolution before the Senate, and it was adopted.

Report of Conference Committee on Senate Bill No. 74.

Senator Redditt submitted the

following report of the Conference Committee on S. B. No. 74:

Austin, Texas, April 30, 1937.

Hon. Walter F. Woodul, President of the Senate.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on S. B. No. 74, beg leave to report that we have considered the same and recommend that it do pass in the form and text attached hereto.

REDDITT,
PACE,
STONE,
BROWNLEE,
SHIVERS,

On the part of the Senate.

CELAYA,
McKEE,
THORNTON,
JAMES,
ENGLAND.

On the part of the House.

By Redditt.

S. B. No. 74.

A BILL To Be Entitled

An Act defining and regulating the practice of professional engineering in the State of Texas; providing for the creation of the State Board of Registration for Professional Engineers and prescribing their powers and duties, terms of office, qualifications and for payment of their compensation and expenses out of the "Professional Engineering Fund" as provided in this law; providing for removal of members of the Board for cause; providing for creation of "Professional Engineers' Fund" and appropriating money therefrom; prescribing requirements for registration of professional engineers; providing for registration fees and for examination of applicants for certificate of registration and for issuance and use of certificates and seals; providing for issuance of renewal certificates on payment of renewal fees; providing that a firm, co-partnership, corporation or joint stock association may engage in the practice of professional engineering in this State provided such practice is carried on by only professional engineers registered in this State;

providing for issuance within one year after this Act becomes effective of certificates, on certain conditions, to residents of Texas practicing professional engineering in Texas at time this Act becomes effective; providing that after January 1, 1938, it shall be unlawful for this State, or any of its political subdivisions, or any county, city or town, to engage in the construction of public work involving professional engineering, unless plans, specifications and estimates have been prepared for the construction to be executed under direct supervision of a registered professional engineer, provided that such provision shall not apply to any public work wherein the contemplated expenditure for completed project does not exceed \$3,000.00; providing for certain exemptions; prescribing certain reciprocity provisions for professional engineers holding certificates of registration as such issued under authority of National Council of State Boards of Engineering Examiners, or National Bureau of Engineering Registration, or any State or Territory or Possession of the United States, or any Country, under certain conditions; providing the grounds on which the Board may revoke certificates of registration and for hearings on such charges; providing for suit against the Board in certain District Courts to annul or vacate order of the Board revoking certificate of registration; defining as a misdemeanor certain acts committed after the first day of January, 1938, prescribing the penalties for such violations and that each day of such violation shall be a separate offense; prescribing duties of the Board in connection with enforcement of provisions of Act and duties of Attorney General and his assistants as legal advisers of the Board, declaring certain legislative intent in respect to this Act; repealing conflicting laws, provided, however, that this Act shall not be construed as repealing or amending any law affecting or regulating licensed State Land Surveyors and that Licensed State Land Surveyors in performing their duties

as such shall not be subject to the provisions of this Act; and further providing that this Act shall not be construed to affect or prevent the practice of any other legally recognized profession by members of such profession licensed by the State and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That in order to safeguard life, health, and property, any person practicing or offering to practice the profession of engineering as hereinafter defined shall hereafter be required to submit evidence that he is qualified so to practice and shall be registered as hereinafter provided; and it shall be unlawful for any person to practice or offer to practice the profession of engineering in this State, or to use in connection with his name or otherwise assume, use, or advertise any title of description tending to convey the impression that he is a professional engineer unless such person has been duly registered or exempted under the provisions of this Act.

Sec. 2. Definitions.—The term professional engineer as used in this act shall mean a person who, by reason of his knowledge of mathematics, the physical sciences, and the principles of engineering, acquired by professional education and practical experience, is qualified to engage in engineering practice as hereinafter defined.

The practice of professional engineering within the meaning and intent of this Act includes any professional service, such as consultation, investigation, evaluation, planning, design, or responsible supervision of construction in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works, or projects, wherein the public welfare, or the safeguarding of life, health or property is concerned or involved, when such professional service requires the application of engineering principles and interpretation of engineering data.

The term Board as used in this Act shall mean the State Board of Registration for Professional Engineers, provided for by this Act.

Sec. 3. State Board of Registration for Professional Engineers.—Appointment of Members.—Terms.—A State Board of Registration for

Professional Engineers is hereby created whose duty it shall be to administer the provisions of this Act. The Board shall consist of six professional engineers, who shall be appointed by the Governor of the State, with the advice and consent of the Senate. The members of the first Board shall be appointed within ninety (90) days after this Act becomes effective, to serve the following terms: Two members for two years; two members for four years; and two members for six years, from the date of their appointment or until their successors are duly appointed and qualified. Thereafter, at the expiration of the term of each member first appointed, his successor shall be appointed by the Governor of the State and he shall serve for a term of six years or until his successor shall be appointed and qualified. Before entering upon the duties of his office each member of the Board shall take the constitutional oath of office and the same shall be filed with the Secretary of State. Each member of the Board first appointed hereunder shall receive a certificate of registration under this Act from said Board.

Sec. 4. Qualifications of Members of Board.—Each member of the Board shall be a citizen of the United States and a resident of this State for a period of ten (10) years prior to his appointment, and shall have been engaged in the practice of the profession of engineering for at least ten (10) years, two (2) years of which may be credited for graduation from an approved engineering school. Responsible charge of engineering teaching may be construed as the practice of professional engineering.

Sec. 5. Compensation and Expenses of Board Members.—Each member of the Board shall receive the sum of Ten (\$10.00) Dollars per day for each day he is actually engaged in the duties of his office, including time spent in necessary travel, together with all legitimate expenses incurred in the performance of such duties. All per diem and expenses incurred hereunder shall be paid from the "Professional Engineers' Fund" as provided in this law. No money shall ever be paid for the administration of this Act

from the General Funds of the State.

Sec. 6. Removal of Members of Board.—Vacancies.—The Governor may remove any member of the Board for misconduct, incompetency, or neglect of duty. Vacancies in the membership of the Board shall be filled for the unexpired term by appointment by the Governor as provided in this Act.

Sec. 7. Organization and Meetings of the Board.—The Board shall hold a meeting within thirty (30) days after its members are first appointed, and thereafter shall hold at least two regular meetings each year. Special meetings shall be held at such time as the by-laws of the Board may provide. Notice of all meetings shall be given in such manner as the by-laws may provide. The Board shall elect or appoint annually from its own membership the following officers: A Chairman, A Vice-Chairman, and a Secretary. A quorum of the Board shall consist of not less than four members.

Sec. 8. Powers of the Board.—The Board shall have the power to make all by-laws and rules, not inconsistent with the Constitution and Laws of this State, which may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it. The Board shall adopt and have an official seal. The Board shall have such additional power as may be conferred by other provisions of this Act.

Sec. 9. Receipts and Disbursements.—The Secretary of the Board shall receive and account for all moneys derived under the provisions of this Act, and shall pay the same weekly to the State Treasurer who shall keep such moneys in a separate fund to be known as the "Professional Engineers' Fund." Such fund shall be paid out only by warrant of the State Comptroller upon the State Treasurer, upon itemized vouchers, approved by the Chairman and attested by the Secretary of the Board. All moneys in the "Professional Engineers' Fund" are hereby specifically appropriated for the use of the Board in the administration of this Act. The Secretary of the Board shall give a surety bond to the Governor of the State of Texas in the sum of Two Thousand Five

Hundred (\$2,500.00) Dollars. The premium on said bond shall be paid out of the "Professional Engineers' Fund." The Secretary of the Board shall receive such salary as the Board shall determine in addition to the compensation and expenses provided for in this Act. The Board shall employ such clerical or other assistants as are necessary for the proper performance of its work, and may make expenditures of this fund for any purpose which in the opinion of the Board is reasonably necessary for the proper performance of its duties under this Act. Under no circumstances shall the total amount of warrants issued by the State Comptroller in payment of the expenses and compensation provided for in this Act exceed the amount of the "Professional Engineers' Fund." Provided further, that the salaries paid herein shall not be in excess of salaries paid for similar work in other departments.

Sec. 10. Records and Reports.—The Board shall keep a record of its proceedings and register of all applications for registration, which register shall show (a) the name, age, and residence of each applicant; (b) the date of the application; (c) the place of business of such applicant; (d) his educational and other qualifications; (e) whether or not an examination was required; (f) whether the applicant was rejected; (g) whether a certificate of registration was granted; (h) the date of the action of the Board; and (i) such other information as may be deemed necessary by the Board.

The records of the Board shall be available to the Public at all times and shall be prima facie evidence of the proceedings of the Board set forth therein, and a transcript thereof, duly certified by the Secretary of the Board under seal, shall be admissible in evidence with the same force and effect as if the original was produced.

Annually, as of August 31st, the Board shall submit to the Governor a report of its transaction of the proceeding year, and shall also transmit to him a complete statement of the receipts and expenditures of the Board, attested by affidavits of its Chairman and its Secretary.

Sec. 11. Roster of Registered Engineers.—A roster showing the

names and places of business of all registered professional engineers shall be prepared by the Secretary of the Board during the month of July of each year, commencing with the month of July, 1938. Copies of this roster shall be mailed to each person so registered, placed on file with the Secretary of State, and furnished to the public upon request.

Sec. 12. General requirements for Registration.—The following shall be considered as minimum evidence satisfactory to the Board that the applicant is qualified for registration as a professional engineer, to-wit:

(a) Graduation from an approved course in engineering of four (4) years or more in a recognized school or college approved by the Board as of satisfactory standing, and a specific record of an additional four (4) years or more of active practice in engineering work, of a character satisfactory to the Board, indicating that the applicant is competent to be placed in responsible charge of such work, or

(b) Successfully passing a written, or written and oral, examination designed to show knowledge and skill approximating that attained through graduation from an approved four years engineering course; and a specific record of at least eight years of active practice in engineering work of a character satisfactory to the Board and indicating that the applicant is competent to be placed in responsible charge of such work.

(c) At any time within five years after this Act becomes effective the Board may accept as evidence that the applicant is qualified for registration as a professional engineer a specific record of twelve years or more of active practice in engineering work of a character satisfactory to the Board and indicating that the applicant is qualified to design, to operate, or to supervise construction of engineering work and has had responsible charge of important engineering work for at least five years and provided applicant is not less than thirty-five years of age, and was not practicing professional engineering at the time this Act becomes effective.

(d) After this Act shall have been in effect five years, the Board shall issue Certificates of Registration only

to those applicants who meet the requirements of Section 12, (a), or (b), or Section 21.

(e) Provided, that no person shall be eligible for registration as a professional engineer who is not of good character and reputation; and provided further, that any engineer licensed under this Act shall be eligible to hold any appointive engineering position with the State of Texas.

(f) In considering the qualifications of applicants, responsible charge of engineering teaching may be construed as responsible charge of engineering work. The satisfactory completion of each year of an approved course in engineering in a school or college approved by the Board as of satisfactory standing, without graduation, shall be considered as equivalent to a year of active practice. Graduation in a course other than engineering from a college or university of recognized standing shall be considered as equivalent to two years of active practice; provided, however, that no applicant shall receive credit for more than four years of active practice because of educational qualifications. The mere execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of such work as foreman or superintendent shall not be deemed to be active practice in engineering work.

(g) Any person having the necessary qualifications prescribed in this Act to entitle him to registration shall be eligible for such registration though he may not be practicing at the time of making his application.

Sec. 13. Applications and Registration Fees.—Applications for registration shall be on forms prescribed and furnished by the Board, shall contain statements made under oath, showing the applicant's education and detail summary of his technical work, and shall contain not less than five references, of whom three or more shall be engineers having personal knowledge of his engineering experience.

The registration fee for professional engineers shall be twenty-five (\$25.00) dollars, fifteen (\$15.00) dollars of which shall accompany the application, the remaining ten (\$10.00) dollars to be paid upon

issuance of certificate. When a Certificate of Qualification issued by the National Bureau of Engineering Registration is accepted as evidence of qualification, the total fee for registration as professional engineer shall be ten (\$10.00) dollars.

Sec. 14. Examinations:—When oral or written examinations are required, they shall be held at such time and place as the Board shall determine. The scope of the examinations and the methods of procedure shall be prescribed by the Board with special reference to the applicant's ability to design and supervise engineering works, which shall insure the safety of life, health, and property. Examinations shall be given for the purpose of determining the qualifications of applicants for registration in professional engineering. A candidate failing on examination may apply for re-examination at the expiration of six months and will be re-examined without payment of additional fees. Re-examination may be granted at any time upon payment of a fee to be determined by the Board.

Sec. 15. Certificates, Seals.—The Board shall issue a certificate of registration upon payment of registration fee as provided for in this Act, to any applicant, who, in the opinion of the Board, has satisfactorily met all the requirements of this Act. In case of a registered engineer, the certificate shall authorize the practice of professional engineering. Certificates of registration shall show the full name of the registrant, shall have a serial number, and shall be signed by the Chairman and the Secretary of the Board under seal of the Board. The issuance of a certificate of registration by this Board shall be evidence that the person named therein is entitled to all rights and privileges of a registered professional engineer, while the said certificate remains unrevoked or unexpired.

Each registrant hereunder shall upon registration obtain a seal of the design authorized by the Board, bearing the registrant's name and the legend "Registered Professional Engineer." Plans, specifications, plats, and reports issued by a registrant shall be stamped with the said seal when filed with public authorities, during the life of the regis-

trant's certificate, but it shall be unlawful for any one to stamp or seal any documents with said seal after the certificate of the registrant named thereon has expired or has been revoked, unless said certificate shall have been renewed or reissued.

Sec. 16. **Expirations and Renewals.**—Certificate of registration shall expire on the last day of the month of December following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the Secretary of the Board to notify every person registered under this Act, of the date of the expiration of his certificate and the amount of the fee that shall be required for its renewal for one year; such notice shall be mailed at least one month in advance of the date of the expiration of said certificate. Renewal may be effected at any time during the month of December by the payment of a fee of five (\$5.00) dollars. The failure on the part of any registrant to renew his certificate annually in the month of December as required above shall not deprive such person of the right of renewal, but the fee to be paid for the renewal of a certificate after the month of December shall be increased ten per cent for each month or fraction of a month that renewal payment is delayed; provided, however, that the maximum fee for delayed renewal shall not exceed twice the normal renewal fee.

Sec. 17. **Firms, Partnerships, Corporations and Joint Stock Associations.** A firm, or co-partnership, or a corporation or a joint stock association may engage in the practice of professional engineering in this State, provided such practice is carried on by only professional engineers registered in this State.

Sec. 18. **Practitioners at Time Act Becomes Effective.**—At any time within one year after this Act becomes effective, upon due application therefor and the payment of the registration fee of twenty-five (\$25.00) dollars for professional engineers, the Board shall issue a certificate of registration, without oral or written examination, to any professional engineer who shall submit evidence under oath satisfactory to the Board that he is of good character, has been a resident of the State of Texas for at least one year immediately preceding the date of his application,

and was practicing professional engineering at the time this Act became effective, and has had responsible charge of work of a character satisfactory to the Board.

After this Act shall have been in effect one year, the Board shall issue certificates of registration only as provided for in Section 12 or Section 21 thereof.

Sec. 19. **Public Work.** After the first day of January, 1938, it shall be unlawful for this State, or for any of its political subdivisions, for any county, city, or town, to engage in the construction of any public work involving professional engineering, where public health, public welfare or public safety is involved, unless the engineering plans and specifications and estimates have been prepared by, and the engineering construction is to be executed under the direct supervision of a registered professional engineer; provided, that nothing in this Act shall be held to apply to any public work wherein the contemplated expenditure for the completed project does not exceed Three Thousand (\$3,000.00) Dollars. Provided, that this Act shall not apply to any road maintenance or betterment work undertaken by the County Commissioners' Court.

Sec. 20. **Exemptions.**—The following persons shall be exempt from the provisions of this Act, to-wit:

(a) A person not a resident of and having no established place of business in this State, practicing or offering to practice here the profession of engineering, when such practice does not exceed in the aggregate more than sixty days in any calendar year; provided, such person is legally qualified by registration to practice the said profession in his own state or country in which the requirements and qualifications for obtaining a certificate of registration are now lower than those specified in this Act.

(b) A person not a resident of and having no established place of business in this State, or who has recently become a resident thereof, practicing or offering to practice herein for more than sixty days in any calendar year the profession of engineering, if he shall have filed with the Board on application for a certificate of registration and shall have paid the fee required by this Act. Such exemption shall continue only for such time as the Board re-

quires for the consideration of the application for registration; provided, that such a person is legally qualified to practice said profession in his own state or country which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this Act.

(c) An employee or a subordinate of a person holding a certificate of registration under this Act, or any employee of a person exempted from registration by Classes (a) and (b) of this Section; provided, his practice does not include responsible charge of design or supervision.

(d) Officers and employees of the Government of the United States while engaged within this State in the practice of the profession of engineering for said Government.

(e) Nothing in this Act shall be construed to apply to persons doing the actual work of installing, operating, repairing, or servicing locomotive or stationary engines, steam boilers, Diesel engines, internal combustion engines, refrigeration compressors and systems, hoisting engines, electrical engines, air conditioning equipment and systems, or mechanical and electrical equipment and apparatus; nor shall this Act be construed to prevent any citizen from identifying himself in the name and trade of any engineers' labor organization with which he may be affiliated. Provided, however, that nothing in this Act shall be construed as permitting any person other than a licensed professional engineer from affixing his signature as such to engineering plans, specifications or estimates.

(f) Nothing in this Act shall be construed to apply to persons erecting or building any private dwelling.

Sec. 21. Reciprocity. The Board may, upon application therefor, and the payment of a fee of ten (\$10.00) dollars, issue a Certificate of Registration as a Professional Engineer to any person who holds a Certificate of Qualification or Registration issued to him by proper authority of the National Council of State Boards of Engineering Examiners, or of the National Bureau of Engineering Registration, or of any State or Territory or Possession of the United States, or any Country provided that the requirements for the registration of professional engineers under

which said certificate of qualification or registration was issued do not conflict with the provisions of this Act and are of a standard not lower than that specified in Section 12 of this Act.

Sec. 22.—Revocations and Re-Is-
suances of Certificates.—The Board shall have the power to revoke the certificate of registration of any registrant who is found guilty of:

(a) The practice of any fraud or deceit in obtaining a certificate of registration;

(b) Any gross negligence, incompetency, or misconduct in the practice of professional engineering as a registered professional engineer.

In determining any such charges the Board shall proceed upon sworn information furnished it by any reliable resident of this State; such information shall be in writing and shall be duly verified by the person familiar with the facts therein charged, and three copies of the same shall be filed with the Secretary of the Board.

Upon receipt of such information the Board, if it deems the information sufficient to support further action on its part, shall make an order setting the charges therein contained for hearing at a specified time and place, and the Secretary of the Board shall cause a copy of the Board's order and of the information to be served upon the accused at least thirty days before the date appointed in the order for the hearing. The accused may appear in person or by council, or both, at the time and place named in the order and make his defense to the same. If the accused fails or refuses to appear, the Board may proceed to hear and determine the charges in his absence. If the accused pleads guilty, or upon a hearing of the charges the Board and a majority of its members shall find them to be true, it may enter an order revoking the certificate of registration of such registered professional engineer. The Board shall have the power, through its Chairman or Secretary, to administer oaths and compel the attendance of witnesses before it as in civil cases in the District Court by subpoena issued over the signature of the Secretary and seal of the Board. If the accused desires the evidence to be preserved and shall

so inform the Board before the hearing is begun and shall deposit with the Board such a sum of money as the Board may deem reasonably necessary for the employment of a stenographer, then the Board shall employ such stenographer and when so employed he shall be the official stenographer of the Board for the purpose of reporting the evidence and proceedings of such Board. In proceedings under this Section, as under others, a majority of the Board shall constitute a quorum.

When the Board has completed such hearing it shall make a record of its findings and order and shall cause a certified copy thereof to be forwarded to the accused.

Any person who may feel himself aggrieved by reason of the revocation of his certificate of registration by the Board, as hereinabove authorized, shall have the right to file suit within thirty days after receiving notice of the Board's order revoking his certificate of registration, in the District Court of the County of his residence, or of the county in which the alleged offense relied upon as grounds for revocation took place, to annul or vacate the order of the Board revoking the certificate of registration. Said suit shall be filed against the Board as defendant, and service of process may be had upon its Chairman or Secretary. The suit shall be tried as other civil causes, the burden of proof devolving upon the plaintiff assailing the order of revocation.

The Board, for reasons it may deem sufficient, may reissue a certificate of registration to any person whose certificate has been revoked, provided four or more members of the Board vote in favor of such reissuance. A new certificate of registration, to replace any certificate revoked, lost, destroyed, or mutilated, may be issued, subject to the rules of the Board, and a charge of three (\$3.00) dollars shall be made for such issuance.

Sec. 23. Violations and Penalties.—On or after the first day of January, 1938, any person who shall practice, or offer to practice, the profession of engineering in this State without being registered or exempted in accordance with the provisions of this Act, or any person presenting or attempting to use as his own the

certificate of registration or the seal of another, or any person who shall give any false or forged evidence of any kind to the Board or to any member thereof in obtaining a certificate of registration, or any person who shall violate any of the provisions of this Act, be fined not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars, or be confined in jail for a period of not exceeding three months, or both. Each day of such violation shall be a separate offense.

The Board is charged with the duty of aiding in the enforcement of the provisions of this Act, and any member of the Board may present to a prosecuting officer complaints relating to violations of any of the provisions of this Act; and the Board through its members, officers, a council and agents may assist in the trial of any cases involving alleged violation of said statutes, subject to the control of the prosecuting officers.

The Attorney General or his assistants shall act as legal advisor of the Board and shall render such legal assistance as may be necessary in enforcing and making effective the provisions of this Act; provided that this shall not relieve the local prosecuting officers of any of their duties under the law as such.

Sec. 24. Invalid Portions.—If any article, section, subsection, sentence, clause or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and such section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Sec. 25. Repeal of Conflicting Legislation with Provisio. All laws or parts of laws in conflict with the provisions of this Act shall be and the same are hereby repealed. Provided, however, that this Act shall not be construed as repealing or amending any law affecting or regulating Licensed State Land Surveyors; and such Licensed State Land surveyors in performing their duties

as such shall not be subject to the provisions of this Act; nor shall this Act be construed to affect or prevent the practice of any other legally recognized profession by the members of such profession licensed by the State or under its authority.

Sec. 26. The fact that there is at this time no law requiring professional engineers to be registered, and the further fact that there are a large number of persons calling themselves engineers who are not efficient; and the further fact that the public is paying large sums of money for construction and have no way of knowing the qualifications of the engineers employed on these constructions and have no protection from this incompetence, and the further fact that the Legislative Calendar is crowded with bills, creates an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule which requires bills to be read in each House on three several days and that such rule be and the same is hereby suspended and that this Act shall take effect and be in force from and after its passage and it is so enacted.

The report was adopted by the following vote:

Yeas—21.

Beck	Newton
Brownlee	Oneal
Burns	Pace
Davis	Rawlings
Head	Redditt
Hill	Roberts
Holbrook	Spears
Isbell	Stone
Moore	Welnert
Neal	Winfield
Nelson	

Nays—6.

Aikin	Sulak
Collie	Van Zandt
Lemens	Westerfeld

Absent.

Cotten	Woodruff
Shivers	

Absent—Excused.

Small

House Bill No. 557, on Third Reading.

On motion of Senator Neal and by

unanimous consent, the regular order of business was suspended, to take up and have placed on its third reading and final passage:

H. B. No. 557, A bill to be entitled "An Act providing for the licensing of all persons before engaging in the business of handling perishable agricultural commodities as defined in this Act, whether as a commission merchant, dealer, broker or as agent of any commission merchant dealer, or broker; defining certain terms as used herein; providing manner of settlement by licensees with producer, seller or owner; providing that all contracts between dealers and owners, sellers or producers, shall be in writing and providing time and manner of settlement, making it unlawful for any person to engage in business as a commission merchant, dealer, broker or as an agent of any commission merchant, dealer or broker without first complying with the terms and provisions of this Act; etc., and declaring an emergency."

The Presiding Officer laid the bill before the Senate, and it was read third time.

Senator Burns offered the following amendment to the bill:

Amend H. B. No. 557, page 15 of the printed House bill, line 11, by striking out the word "county" and insert in lieu thereof the following: "In the District defined in this bill."

The amendment was adopted.

Senator Burns offered the following amendment to the bill:

Amend H. B. No. 557, page 14, Section 8, line 25, of the printed House Bill, by striking out "county" and insert in lieu thereof the following: "In the District defined in this Act."

The amendment was adopted.

Senator Burns offered the following amendment to the bill:

Amend H. B. No. 557 by adding Section 8a to read as follows:

"Nothing herein shall in any way or manner amend, alter, repeal or modify the anti-trust laws of this State; and if any provisions of this Act conflict with any provisions of the anti-trust laws, the anti-trust laws shall control, anything in this Act to the contrary notwithstanding."

The amendment was adopted.

Senator Spears offered the following amendment to the bill:

Amend H. B. No. 557 by adding a new section, as follows:

"The terms of this bill shall not apply to counties having a population of not less than 290,000 nor more than 320,000 according to the Federal Census of 1930, and all future Federal Census."

The amendment was adopted.

Senator Burns offered the following amendment to the bill:

Amend H. B. No. 857 by adding a new section to be known as Section 8c, to read as follows:

"The provisions of this bill shall not apply to the fifth Senatorial District of the State of Texas."

The amendment was adopted.

Senator Sulak offered the following amendment to the bill:

Amend H. B. No. 557 by adding at appropriate place the following:

"Provided that the fifteenth, seventeenth and twenty-third Senatorial Districts are exempt from the provisions of this bill."

The amendment was adopted.

Senator Westerfeld offered the following amendment to the bill:

Amend H. B. No. 557 by adding a new section as follows:

"The terms of this bill shall not apply to counties having a population of not less than 325,691, nor more than 350,000, according to the Federal Census of 1930, and all future Federal Census."

The amendment was adopted.

Senator Neal offered the following amendment to the bill:

Amend H. B. No. 557 by striking out Section 8 and inserting a new Section 8, reading as follows:

"Sec. 8. The terms of this Act shall apply only to the Texas citrus zone, as said area is defined in Sec. 1 of House Bill 553, Chapter 230, General Laws of Texas, Regular Session, Forty-second Legislature."

The amendment was adopted.

H. B. No. 557 then was passed.

Record of Vote.

Senator Moore asked to be recorded as voting "nay" on the passage of the bill.

House Bill No. 538 on Second Reading.

On motion of Senator Roberts and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 538, A bill to be entitled "An Act to authorize the sale of additional portions of Harbor Island and other islands in Redfish Bay, Corpus Christi Bay and Aransas Bay and certain lands under the shallow waters of Redfish Bay, Corpus Christi Bay and Aransas Bay with certain restrictions; to authorize the extension by the present owners or their successors and assigns of the original purchase from the State of Texas of such lands under the terms of an Act known as the Act of March 13th, 1911, and being Chapter 45 of the Acts of the Thirty-second Legislature of Texas; reserving the oil, gas and other minerals in and under said lands so additionally purchased together with the right of ingress and egress for the purpose of mining and producing the same; providing that the sale and ownership of such land so additionally purchased shall be subject to all existing laws of the State of Texas, and declaring an emergency."

The Presiding Officer laid the bill before the Senate.

On motion of Senator Roberts and by unanimous consent, Senate Rule No. 31a was suspended, to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

House Bill No. 538 on Third Reading.

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended, and that H. B. No. 538 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikir	Cotten
Beck	Davis
Brownlee	Head
Burris	Hill
Collis	Holbrook

Isbell	Roberts
Lemens	Shivers
Moore	Spears
Neal	Stone
Nelson	Sulak
Newton	Van Zandt
Oneal	Weinert
Pace	Westerfeld
Rawlings	Winfield
Redditt	Woodruff

Absent—Excused.

Small

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill No. 207 on Second Reading.

Senator Nelson moved that the regular order of business be suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 207, A bill to be entitled "An Act amending Section 6, Chapter 106, Acts of the Fortieth Legislature, First Called Session, and declaring an emergency."

The motion prevailed by the following vote:

Yeas—18.

Brownlee	Pace
Davis	Rawlings
Head	Roberts
Isbell	Shivers
Lemens	Spears
Neal	Van Zandt
Nelson	Weinert
Newton	Westerfeld
Oneal	Winfield

Nays—7.

Aikin	Hill
Burns	Holbrook
Collie	Moore
Cotten	

Present—Not Voting.

Sulak

Absent.

Beck	Stone
Redditt	Woodruff

Absent—Excused.

Small

The Presiding Officer laid the bill before the Senate and it was read second time.

Senator Westerfeld offered the following amendment to the bill:

Amend H. B. No. 207, by striking out beginning at word "a" in line 36, and ending at "period" in line 38, and adding in lieu thereof: "a charge against such property."

(President in the Chair.)

The amendment was adopted.

Senator Westerfeld offered the following amendment to the bill:

Amend H. B. No. 207, by striking out all of lines 60 and 61, and inserting in lieu thereof the following: "be a charge against said property assessed."

The amendment was adopted.

Senator Westerfeld offered the following amendment to the bill:

Amend H. B. No. 207, by striking out "eight (8)" and inserting "six (6)."

The amendment was adopted.

Senator Moore offered the following amendment to the bill:

Amend H. B. No. 207, by adding to Section 1 the following:

"But no assessment shall be valid if it exceeds one-half of the reasonable market value of the property."

MOORE,
SPEARS.

The amendment was adopted.

The bill was passed to third reading.

House Bill No. 207 on Third Reading.

Senator Nelson moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 207 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Cotten
Beck	Davis
Brownlee	Head
Burns	Hill
Collie	Holbrook

Isbell	Roberts
Lemens	Shivers
Moore	Spears
Neal	Stone
Nelson	Sulak
Newton	Van Zandt
Oneal	Weinert
Pace	Westerfeld
Rawlings	Winfield
Redditt	Woodruff

Absent—Excused.

Small

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21.

Aikin	Rawlings
Beck	Redditt
Brownlee	Shivers
Collie	Spears
Head	Stone
Moore	Sulak
Neal	Van Zandt
Nelson	Weinert
Newton	Westerfeld
Oneal	Winfield
Pace	

Nays—7.

Burns	Isbell
Cotten	Roberts
Hill	Woodruff
Holbrook	

Absent.

Davis	Lemens
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Absent—Excused.

Small

House Bill No. 348 on Second Reading.

On motion of Senator Westerfeld and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 348, A bill to be entitled "An Act amending Section 5, of Chapter 130, Acts of the Regular Session of the Forty-third Legislature, as amended by the Acts of 1934, Fourth Called Session of the Forty-third Legislature, so as to extend the time within which the con-

tracts, bonds, notes or other evidence of indebtedness authorized by said Chapter 130, as amended, shall not be issued or executed after the Thirty-first day of December, 1937, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

House Bill No. 348 on Third Reading.

Senator Westerfeld moved that the constitutional rule requiring bills to be read on three several days be suspended, and that H. B. No. 348 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28.

Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Cotten	Redditt
Davis	Roberts
Head	Shivers
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Nays—2.

Aikin	Collie
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Absent—Excused.

Small

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27.

Beck	Nelson
Brownlee	Newton
Burns	Oneal
Cotten	Pace
Davis	Rawlings
Head	Redditt
Hill	Roberts
Isbell	Shivers
Lemens	Spears
Moore	Stone
Neal	Sulak

Van Zandt
Weinert
Westerfeld

Winfield
Woodruff

Nays—3.

Aikin
Collie

Holbrook

Absent—Excused.

Small

House Bill No. 781 on Second Reading.

On motion of Senator Shivers and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 781, A bill to be entitled "An Act amending Section One of Chapter 127, page 215, Acts, Regular Session, Forty-second Legislature, relating to refunds of license fees on destroyed vehicles, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

House Bill No. 781 on Third Reading.

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 781 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

Nays—1.

Aikin

Absent—Excused.

Small

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28.

Beck	Newton
Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Roberts
Head	Shivers
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield

Nays—2.

Aikin

Woodruff

Absent—Excused.

Small

House Bill No. 1155 on Second Reading.

On motion of Senator Holbrook and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 1155, A bill to be entitled "An Act amending Section 2 of Article 3883, Revised Civil Statutes of Texas, 1925, as amended by Chapter 20, Acts of the Forty-first Legislature, Fourth Called Session, as amended by Chapter 340, Acts of the Forty-second Legislature, Regular Session, as amended by Chapter 220, Acts of the Forty-third Legislature, Regular Session, by providing that in counties containing not less than 29,500 nor more than 30,000 population according to the last preceding Federal Census the constable shall be allowed to retain out of the fees collected by such officer the sum of Twenty-four Hundred (\$2,400.00) Dollars, and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Holbrook and by unanimous consent, Senate Rule No. 31a and Senate Rule No. 48 was severally suspended to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

House Bill No. 1155 on Third Reading.

Senator Holbrook moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1155 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

House Bill No. 469 on Second Reading.

On motion of Senator Woodruff and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 469, A bill to be entitled "An Act amending Article 2843, Title No. 49, Chapter 16, Revised Civil Statutes of 1925, authorizing the increase or decrease in the list of subjects for which free textbooks are adopted; providing that the State Board of Education shall adopt textbooks for high school subjects on a multiple list basis when one hundred or more first-class high schools are affiliated in the subjects; providing that the State Board of Education may adopt free textbooks in a subject when less than one hundred first-class high schools are affiliated in the subject when the state course of study and popular demand justify it; providing that a book or books may be adopted for high schools which combine two or more of the existing high school subjects provided no existing high school subject is omitted by such a combination; providing that the State Board of Education may also, if deemed necessary, adopt a book or books in music and in science for the elementary grades; and providing further that a book or books may be adopted in the elementary grades which combine two or more of the subjects herein listed and that no subject herein listed is thereby omitted through such a combination, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

House Bill No. 469 on Third Reading.

Senator Woodruff moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 469 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23.

Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Cotten	Redditt
Davis	Roberts
Head	Spears
Hill	Stone
Isbell	Van Zandt
Lemens	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

Nays—4.

Aikin	Holbrook
Collie	Shivers

Absent.

Moore	Weinert
Sulak	

Absent—Excused.

Small

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

The Senate refused to pass the bill by the following vote:

Yeas—13.

Brownlee	Oneal
Cotten	Rawlings
Davis	Spears
Head	Van Zandt
Moore	Winfield
Neal	Woodruff
Newton	

Nays—14.

Aikin	Pace
Beck	Redditt
Burns	Roberts
Collie	Shivers
Hill	Stone
Holbrook	Weinert
Isbell	Westerfeld

Absent.

Lemens	Sulak
Nelson	

Absent—Excused.

Small

Senate Concurrent Resolution No. 71.

Senator Head offered the following resolution:

Whereas, The firm of McKinney and Williams of Galveston, Texas, of which firm Thomas F. McKinney was a member, owning an undivided one-half interest in same, advanced to the Provisional Government during the War for the Independence of Texas from Mexico and to the Republic of Texas after independence was obtained, various sums of money and various amounts in goods, wares, and merchandise and services, for which complete settlement was never obtained; and

Whereas, Thomas F. McKinney, or his heirs, or legatees, have never been compensated for such advances made by Thomas F. McKinney, or of his proportionate part of such advances made by the firm of McKinney and Williams; and

Whereas, The Congress of the Republic of Texas, or the Legislature of the State of Texas have never fully paid the claim of Thomas F. McKinney, either to him or to his heirs or legatees; and

Whereas, This claim is long overdue and should be settled and a necessity exists for the determination of the amount involved in this claim and a settlement thereof in a court of competent jurisdiction; now, therefore be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the heirs of the legatees of the said Thomas F. McKinney, be and are hereby granted permission, and given the authority to institute a suit against the State of Texas in a court of competent jurisdiction in Travis County, Texas, to determine and settle the amount of the claim above referred to, together with interest thereon. Service upon the Attorney General of the State of Texas shall be sufficient service and notice to the State of Texas as to the suit brought hereunder.

The resolution was read and was referred to the Committee on State Affairs.

Messages From the Governor.

The Secretary of the Governor was announced by the Doorkeeper and was recognized by the President to present the following messages:

Austin, Texas, May 18, 1937.

To the Members of the Forty-fifth Legislature:

I have today disapproved and vetoed House Bill No. 1025 for the following reasons:

This bill makes an appropriation of \$2,000.00 for the relief of the Centerville Consolidated School District No. 42 of Trinity County to aid said school district in constructing, repairing, rehabilitating, and equipping its school building which was destroyed by fire on the 15th day of October, 1936.

This bill is one similar to House Bill No. 277 and House Bill No. 875 vetoed by me on yesterday. I am today vetoing this bill for the same reasons set out in my veto messages of May 17th in view of the State's depleted financial condition and the fact that no taxes have been provided, and we cannot afford to underwrite the losses of school districts.

For the reasons stated, the bill is respectfully disapproved and vetoed, and returned to the House of Representatives in which it originated.

Respectfully,

JAMES V. ALLRED,
Governor of Texas.

Austin, Texas, May 18, 1937.
To the Members of the Forty-fifth Legislature:

I have today vetoed and disapproved House Bill No. 1034 for the following reasons:

1.

Briefly stated, this bill authorizes the State Parks Board to acquire for use as a public park Padre Island off the coast of Texas at a consideration not to exceed \$500,000.00, including improvements. The bill authorizes the State Highway Commission to construct, maintain and operate bridges and causeways; and authorizes the State Parks Board to charge tolls to be fixed by the Highway Commission and the Board, out of which tolls the cost of the lands and improvements shall be paid. It authorizes the borrowing of money from the United States Government.

The bill authorizes the purchase of Padre Island "without acquiring mineral rights to said land and subject to existing grazing lease contracts which are to expire within three (3) years from the date said purchase is completed."

I doubt the wisdom of the State acquiring land for park purposes

without also acquiring mineral rights. The reservation of mineral rights in private owners would subject any parks or improvements created or built to explorations for oil at any time. It is a matter of common knowledge that all of the coastal territory is potential oil land; and certainly no State park ought to be subjected to explorations for oil and possibly the bringing in of a tremendous oil field which would destroy its value for park purposes without a cent of benefit to the State. As I understand it, the Federal Government will not acquire property for park purposes where there is a reservation of mineral rights. The same policy would seem to be equally desirable from the standpoint of the State.

2.

It is recited that the tract purchased on Padre Island contains approximately 90,000 acres of land. In other words, the State would not acquire the entire island. The total consideration authorized to be paid for this tract by the Parks Board, including costs of improvement, is \$500,000.00. It is a matter of common knowledge that when a stipulated maximum sum of money is authorized for the purchase of land, the agency charged with acquiring the property or expending the money rarely fails to use the entire amount. I dare say the contemplated expenditure would be no exception to the rule and the total amount of \$500,000.00 would probably be expended. From reliable information furnished me I doubt whether the land, including mineral rights, is worth more than the sum authorized to be expended.

While no direct taxes are levied in the bill for this appropriation, yet authority is granted to set up toll bridges and causeways, which would certainly be an indirect tax on the people; and we should just as jealously safeguard the interests of the people in expenditures of money from one source as another.

3.

The authority to purchase this land from private owners implies complete title to the entire area of Padre Island; and that the State has no interest whatever therein. The Island has never been surveyed, and

consequently no field notes have been returned to the General Land Office. I find, however, that the title of private claimants to the land is based upon an old Spanish grant to Nicholas Balli and Juan Jose Balli, but only to 11½ leagues, and no more.

In response to an inquiry, J. H. Walker, former Land Commissioner, says that title to all these lands is asserted under this old grant; and that he never heard of any other grant.

In 1852 the Legislature of Texas confirmed title to "Nicholas Balli and Juan Jose Balli 11½ leagues, called Padre Island (Gam. 3, p. 947)." As a matter of fact, I am certain that Padre Island actually contains over 30 leagues of land.

The confirmation of title to the Ballis by the Legislature in 1852 is based upon the report of William H. Bourland, reading, in part, as follows:

"Nicholas Guisanti and Jose Maria Tobar apply for a 11½ leagues of pasture land called 'Padre Island' originally granted by the Spanish Government to one Nicholas Balli and subsequently confirmed to him and his nephew Juan Jose Balli by the Mexican authorities. Witnesses prove the occupation of the said tract of land by said original grantee and his nephew for the last 50 years; and that they kept thereon the requisite number of stock to entitle them to the grant of 11½ leagues, never having any adverse claimants, etc. They having obtained a title from the proper authorities and resided upon the lands peaceably for a number of years; we recommend for confirmation 11½ leagues only to the heirs or assigns of original grantee, for we feel confident that the Island called 'Padre Island' contains or embraces over 30 leagues of land. It is therefore to be understood that we recommend only 11½ leagues of said Island.—For testimony in this case see File No. 37 Cameron County."

I direct your particular attention to the fact that this report recommended "only 11½ leagues of said Island." The grant itself, if in existence, is in the archives of the General Land Office and has never been surveyed. I think it is bad public policy to sign a bill recognizing title in private parties to what is actually over 30 leagues of land when in

truth the claim to title could only be based on 11½ leagues of land. As pointed out above, this land is potentially valuable oil land, and we should be extremely wary in recognizing title in others to lands which probably belong to the school children of Texas. The subject matter of this claim seemingly calls for an investigation by the General Land Office and by the Attorney General to determine the State's rights in the whole Island; and certainly to that part of it not covered by the grant in 1852.

4.

While no duty is imposed on the State Parks Board to acquire this land, if the bill is signed the Board will be subjected to constant pressure to carry it out. It would only be a matter of time until the land would be acquired; and in acquiring it, the Parks Board would ultimately have to come to the valuation placed on it by the private owners irrespective of whether the surface rights are actually worth the sum demanded. Conceivably, the State might operate it as a park and, through its concessions for a period of years, make substantial payments. Business might fall off later on, and under foreclosure the State would lose all of its rights, including any developments added and any moneys expended. I think the bill is entirely too loosely drawn to safeguard the rights of the State even if we made this venture.

In addition, this bill is but the opening wedge for the purchase of the remaining land on the Island.

5.

While there is no absolute obligation imposed upon the Highway Commission to build bridges and causeways, it will be subjected to constant pressure to do so. State Highway Engineer Gibb Gilchrist states that it would be quite expensive to build these causeways; that such causeways would be subjected to constant danger of destruction after each coastal storm. Most of the Island, I understand, is a sandbar over which cars can be driven, but the Highway Commission would have the duty of maintaining this sandbar and keeping it free and clear

of rubbish and driftwood after each storm.

Already the cost of maintaining our highways in the State runs between Nine and Ten Million Dollars each year. I don't think the State should assume this additional burden in view of the fact that only 2c of our present gasoline tax now goes into both the construction and maintenance of our highways.

For the reasons stated, the bill is respectfully vetoed and disapproved, and returned to the House of Representatives in which it originated.

Respectfully,

JAMES V. ALLRED,
Governor of Texas.

House Bill No. 651 on Second Reading.

On motion of Senator Pace and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 651, A bill to be entitled "An Act amending Article 6205, Revised Civil Statutes of Texas, 1925, as amended by Section 2 of Chapter 262, Acts, Regular Session of the Forty-second Legislature, 1931, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

House Bill No. 651 on Third Reading.

Senator Pace moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 651 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Lemens
Beck	Moore
Brownlee	Neal
Burns	Nelson
Collie	Newton
Cotten	Oneal
Davis	Pace
Head	Rawlings
Hill	Redditt
Holbrook	Roberts
Isbell	Shivers

Spears	Weinert
Stone	Westerfeld
Sulak	Winfield
Van Zandt	Woodruff

Absent—Excused.

Small

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Aikin	Newton
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Spears
Head	Stone
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff
Nelson	

Nays—1.

Oneal

Absent—Excused.

Small

Motion to Reconsider.

Senator Aikin moved to reconsider the vote by which the Senate refused to pass H. B. No. 469 and asked to have the motion to reconsider spread upon the Journal.

House Bill No. 663 on Second Reading.

On motion of Senator Collie and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 663, A bill to be entitled "An Act providing for the beginning of the terms of certain State and District offices of the State of Texas, and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Collie and

by unanimous consent, Senate Rule No. 31a was suspended, to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

House Bill No. 663 on Third Reading.

Senator Collie moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 663 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed.

House Concurrent Resolution No. 65.

On motion of Senator Westerfeld and by unanimous consent, the regular order of business was suspended, to take up for consideration at this time:

H. C. R. No. 65, Granting John Haney and Lochwood Allison permission to sue the State Liquor Board and/or the State of Texas for personal injuries.

The President laid the resolution before the Senate and it was adopted.

Senate Bill No. 460 on Second Reading.

On motion of Senator Isbell and by unanimous consent, the regular order

of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 460, A bill to be entitled "An Act amending Article 2832 of Chapter 15, Title 49 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 127, Acts Regular Session, Thirty-ninth Legislature, as amended by Chapter 27, Acts First Called Session, Forty-second Legislature, and as amended by Chapter 133, Acts Regular Session, Forty-third Legislature, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to engrossment.

Senate Bill No. 460 on Third Reading.

Senator Isbell moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 460 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Collie
Beck	Cotten
Brownlee	Davis
Burns	Head

Hill	Redditt
Holbrook	Roberts
Isbell	Shivers
Lemens	Spears
Moore	Stone
Neal	Sulak
Nelson	Van Zandt
Newton	Weinert
Oneal	Westerfeld
Pace	Winfield
Rawlings	Woodruff

Absent—Excused.

Small

**Motion to Take Up Senate Bill
No. 518.**

Senator Brownlee moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 518, A bill to be entitled "An Act granting unto the municipal authorities of the City of Austin, Texas, the right to establish, erect, operate and maintain a public municipal auditorium and fire station upon the tract of land bounded on the north by Fifth Street, on the south by Fourth Street, on the east by Guadalupe Street and on the west by San Antonio Street in the City of Austin; and changing the designation upon the map of the City of Austin of said tract, from Public Square to Public Municipal Auditorium and Fire Station Square so as to grant to the City of Austin for 99 years the said land for a municipal auditorium and fire station and retaining title in the State of Texas; and repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—16.

Brownlee	Newton
Cotten	Oneal
Davis	Pace
Head	Rawlings
Hill	Shivers
Isbell	Stone
Neal	Van Zandt
Nelson	Westerfeld

Nays—10.

Aikin	Beck
-------	------

Burns	Redditt
Collie	Roberts
Holbrook	Weinert
Moore	Woodruff

Present—Not Voting.

Spears

Absent.

Lemens	Winfield
Sulak	

Absent—Excused.

Small

**House Bill No. 1162 on Second
Reading.**

Senator Burns moved that the regular order of business be suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 1162, A bill to be entitled "An Act to authorize the Commissioners' Court of Montgomery County to pay bounties under certain conditions for the destruction of wolves, coyotes, wildcats, and other predatory animals and fowls in said County; to make rules and regulations with respect thereto; regulating the issuance of warrants in payment thereof, and declaring an emergency."

The motion prevailed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

The President laid the bill before the Senate, it was read second time and was passed to third reading.

House Bill No. 1162 on Third Reading.

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1162 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Spears
Head	Stone
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff
Nelson	

Nays—1.

Newton

Absent—Excused.

Small

House Concurrent Resolution No. 106.

On motion of Senator Aikin and by unanimous consent, the regular

order of business was suspended to take up for consideration at this time:

H. C. R. No. 106, Urging the State Parks Board to permit the use of State Parks by Girl and Boy Scouts of Texas.

The President laid the resolution before the Senate, and it was adopted.

House Bill No. 1176 on Second Reading.

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 1176, A bill to be entitled "An Act amending Section 27 of Article 199, Revised Civil Statutes of Texas, 1925, as amended by Chapter 305, Acts of the Forty-second Legislature, Regular Session, by omitting the January Term of Court in Mills County, Texas, and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Davis and by unanimous consent, Senate Rule No. 31a was suspended, to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

House Bill No. 1176 on Third Reading.

Senator Davis moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1176 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Moore
Beck	Neal
Brownlee	Nelson
Burns	Newton
Collie	Oneal
Cotten	Pace
Davis	Rawlings
Head	Redditt
Hill	Roberts
Holbrook	Shivers
Isbell	Spears
Lemens	Stone

Sulak Westerfeld
Van Zandt Winfield
Weinert Woodruff

Absent—Excused.

Small

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill No. 296 on Second Reading.

On motion of Senator Rawlings and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 296, A bill to be entitled "An Act providing for the amendment of Article 1848 of the Revised Civil Statutes of 1925, as amended by Acts of the Forty-second Legislature, Regular Session, Chapter 64, page 98 in Section 1 as amended by the Acts of the Forty-fourth Legislature, Regular Session, Chapter 90, page 225 in Section 1, so as to provide that litigants may have more time to file their briefs after the filing of the transcript in the Appellate Courts, and providing for the equalization of opportunity for filing briefs as between appellant and appellee, and declaring an emergency."

The President laid the bill before the Senate and it was read second time.

On motion of Senator Rawlings, the bill was tabled subject to call.

House Bill No. 407 on Second Reading.

On motion of Senator Newton and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 407, A bill to be entitled "An Act prohibiting the barter or sale or offering for barter or sale or to buy any bass, crappie, perch, catfish, or any other fish taken from the fresh water of the Brazos River or within one mile of the mouth of any of the tributaries of the Brazos River within Falls County, State of Texas;

and providing a penalty, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

House Bill No. 407 on Third Reading.

Senator Newton moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 407 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

House Bill No. 821 on Second Reading.

On motion of Senator Spears and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 821, A bill to be entitled "An Act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income; to create such housing authorities in cities having a population of more than 5,000 and in counties; to define the powers and duties of housing authorities and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide that housing authorities, their property and securities shall be exempt from taxation and assessment, but to authorize certain payments in lieu of taxes; to provide for a certification of the bonds by the Attorney General; and to confer remedies on obligees of housing authorities, and to declare an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

House Bill No. 821 on Third Reading.

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 821 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Moore
Beck	Neal
Brownlee	Nelson
Burns	Newton
Collie	Oneal
Cotten	Pace
Davis	Rawlings
Head	Redditt
Hill	Roberts
Holbrook	Shivers
Isbell	Spears
Lemens	Stone

Sulak	Westerfeld
Van Zandt	Winfield
Weinert	Woodruff

Absent—Excused.

Small

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

Senator Spears moved to reconsider the vote by which H. B. No. 821 was passed, and asked to have the motion to reconsider spread upon the Journal.

House Bill No. 456 on Second Reading.

On motion of Senator Westerfeld and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 456, A bill to be entitled "An Act providing that on and after April 1, 1937, delinquent taxpayers shall be permitted to pay such taxes in partial payments; providing for the creation and establishment of a system whereby such payments may be made in this manner; providing for a ten month time limit in the payment of delinquent taxes under this system; providing for the institution of suit by the district attorney or criminal district attorney against such delinquent taxpayers upon default in making such payments under this system; providing that no such

payments shall be received by the assessor and collector of taxes which payments total less than \$1.00, and further, that accounts for less than \$10.00 will not be opened; etc., and declaring an emergency."

The President laid the bill before the Senate and it was read second time.

Senator Westerfeld offered the following (committee) amendments to the bill:

(1)

Amend H. B. No. 456 by adding a new section to be known as Section 12-a, which shall read as follows:

"Sec. 12-a. The provisions of this Act shall not affect any delinquent tax suits filed in courts of competent jurisdiction before the effective date of this Act in the counties or other political subdivisions availing themselves of the provisions of this Act."

(2)

Amend H. B. No. 456, page 2, Section 3, line 23, by adding at the close of Section 3, the following:

" , provided that the first payment of such partial payment shall be made on or before September 1, 1937."

The amendments were adopted severally.

On motion of Senator Westerfeld, it was ordered that the caption be amended to conform with the body of the bill as amended.

The bill was passed to third reading.

House Bill No. 456 on Third Reading.

Senator Westerfeld moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 456 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Alkin	Davis
Beck	Head
Brownlee	Hill
Burns	Holbrook
Collie	Lemens
Cotten	Moore

Neal	Spears
Nelson	Stone
Newton	Sulak
Oneal	Van Zandt
Pace	Weinert
Rawlings	Westerfeld
Redditt	Winfield
Roberts	Woodruff
Shivers	

Nays—1.

Isbell

Absent—Excused.

Small

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Concurrent Resolution No. 62.

On motion of Senator Head and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. C. R. No. 62, Authorizing certain suits against the State.

The President laid the resolution before the Senate and it was adopted.

House Bill No. 641 on Second Reading.

On motion of Senator Redditt and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 641, A bill to be entitled "An Act making appropriation of certain sums of money, or so much thereof as may be necessary, out of the General Revenue Fund to pay taxes due by the State to certain independent school districts, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

House Bill No. 641 on Third Reading.

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 641 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

Senate Bill No. 518 on Second Reading.

Senator Brownlee moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 518, A bill to be entitled "An Act to grant the City of Austin the use of a certain tract of land for certain purposes, etc., and declaring an emergency."

The motion prevailed by the following vote:

Yeas—20.

Brownlee	Oneal
Collie	Pace
Cotten	Rawlings
Davis	Redditt
Head	Roberts
Isbell	Spears
Moore	Stone
Neal	Van Zandt
Nelson	Westerfeld
Newton	Woodruff

Nays—5.

Aikin	Holbrook
Beck	Weinert
Burns	

Present—Not Voting.

Hill

Absent.

Lemens	Sulak
Shivers	Winfield

Absent—Excused.

Small

The President laid the bill before the Senate.

Senator Brownlee moved that Senate Rule No. 31a be suspended, to permit consideration of the bill at this time.

The motion prevailed by the following vote:

Yeas—23.

Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Roberts
Head	Shivers
Hill	Spears
Isbell	Stone
Moore	Van Zandt
Neal	Westerfeld
Nelson	Woodruff
Newton	

Nays—4.

Aikin	Holbrook
Beck	Weinert

Absent:

Lemens	Winfield
Sulak	

Absent—Excused.

Small

The bill was read second time and was passed to engrossment.

(Senator Rawlings in the Chair.)

Motion to Suspend Constitutional Rule.

Senator Brownlee moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 518 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—19.

Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Roberts
Isbell	Spears
Moore	Van Zandt
Neal	Westerfeld
Nelson	Woodruff
Newton	

Nays—5.

Aikin	Holbrook
Beck	Weinert
Hill	

Absent.

Head	Stone
Lemens	Sulak
Shivers	Winfield

Absent—Excused.

Small

Senate Concurrent Resolution No. 71.

On motion of Senator Van Zandt and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. C. R. No. 71, Authorizing certain suits against the State.

The Presiding Officer laid the resolution before the Senate and it was adopted.

Adjournment.

On motion of Senator Oneal, the Senate at 6:15 o'clock p. m., ad-

journd until 10 o'clock a. m. tomorrow.

APPENDIX.

Reports of Standing Committees.

Committee Room,

Austin, Texas, May 17, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 48, Proposing an amendment to Section 24 of Article III of the Constitution of the State of Texas, providing that Members of the Legislature shall receive a salary of Three Thousand Dollars (\$3,000) per annum, shall be subject to call at any time and shall be entitled to mileage at Five (5) Cents a mile for each mile traveled coming to and going from the seat of Government; etc.

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do not pass.

MOORE, Chairman.

Committee Room,

Austin, Texas, May 17, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 18, Proposing an amendment to the Constitution of the State of Texas relating to the legislative authority thereof by amending Section 1 of Article 3 so as to provide a single chamber Legislature; by amending Section 2 of Article 3 so as to provide the number of Legislators who shall become members of said single chamber; etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Committee Room,

Austin, Texas, May 18, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Interstate Cooperation, to whom was referred

H. B. No. 686, A bill to be entitled "An Act authorizing and directing the Governor to enter into a compact on behalf of the State of Texas with any of the United States legally joining therein; declaring the source of authority to be an Act of the United States Congress; providing the terms of agreement between contracting States; permitting any person convicted of an offense within one State to reside in any other state party to the compact while on probation or parole, provided such person can obtain employment there and provided the State receiving him consents to his being sent there; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

ONEAL, Chairman.

Committee Room,

Austin, Texas, May 18, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 1109, A bill to be entitled "An Act to amend Article 1645, Title 34, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 35, General and Special Laws passed at the First Called Session of the Fortieth Legislature, as amended by Chapter 28, General and Special Laws passed at the First Called Session of the Forty-first Legislature, as amended by Chapter 15, General and Special Laws, passed at the Second Called Session of the Forty-second Legislature, relating to the appointment and compensation of County Auditors in counties containing a population of thirty-five thousand (35,000) inhabitants, or over, according to the preceding Federal Census, or having a tax valuation of Fifteen Million Dollars (\$15,000.00), according to the last approved tax rolls; . . . and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SPEARS, Chairman.

Committee Room,

Austin, Texas, May 18, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 24, A Joint Resolution Proposing an amendment to the Constitution of the State of Texas, amending Article 16, Section 61, providing for the abolishing of the salary method of compensating all district, county, and precinct officers of this State, and further providing that such officers shall be paid in such manner and on such basis as may be prescribed by the Legislature; providing for the submission of this Amendment to the voters of this State; providing for proclamation of said election by the Governor; and providing for the necessary appropriation to defray necessary expenses for the submission of this Amendment."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,

Austin, Texas, May 18, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 163, A bill to be entitled "An Act validating the organization and creation of all school districts, including common school districts, independent school districts, consolidated common school districts, all county line school districts, including county line common school districts, county line independent school districts, county line consolidated common school districts, county line consolidated independent school districts, rural high school districts, and all other school districts, groups or annexations of whole or parts of districts by vote of the people or action of the County School Boards in certain counties, whether created by General or Special Law; validating all acts of the Boards of Trustees of such districts ordering elections, declaring results of same, levying taxes and issuing bonds; providing that omitting any act of such officers in

such district shall in no wise invalidate the district, nor shall the omission of any act with reference to said bonds or taxes invalidate same; validating acts of the County Boards of Trustees with reference to rearranging, changing, or subdividing such school districts; providing that no act of transferring territory from one district to another without affirmative vote of the voters in the districts is validated; empowering all districts to levy, assess, and collect the same rate of tax as is now being levied, assessed, and collected therein or attempted to be authorized by any act or acts of said districts, or by any Act, General or Special, of the Legislature; providing the Act shall not apply to any district in said counties now involved in litigation, or which may have been established and which has later returned to its original status; providing a saving clause, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COTTEN, Chairman.

Committee Room,

Austin, Texas, May 18, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 1155,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SPEARS, Chairman.

Committee Room,

Austin, Texas, May 18, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 514, A bill to be entitled "An Act providing for the use of funds arising under H. B. No. 258 and known as the Firemen's Relief and Retirement Fund Law, passed by the Forty-fifth Legislature at its regular session, in cities having a population of more than 240,000 and less than 275,000, according to the last

preceding census, and having a fully paid Fire and Police Department, and having in force a joint firemen, policemen and fire alarm operators pension system, established under the State Law, providing that such fund shall be paid into such regularly established firemen, policemen and fire alarm operators pension fund and be administered under said law, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HEAD, Chairman.

Committee Room,

Austin, Texas, May 18, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. C. R. No. 71, Granting permission to the heirs of Thomas F. McKinney to sue the State.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, May 18, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 1163, A bill to be entitled "An Act validating the transfer of territory proceedings detaching territory from the Center Plains Common School District No. 4 and the Science Hill Common School District No. 8, both of Hale County, Texas, and attaching same to the Cotton Center Independent School District of Hale County, Texas, including petitions, hearings, orders, notices, elections, orders declaring results of elections, assumption of indebtedness, and ratifying changes made by the County Board of School Trustees of Hale County, Texas, in the Cotton Center Independent School District of Hale County, Texas; redefining boundaries of said Cotton Center Independent School District of Hale County, Texas; providing that the trustees of said Cotton Center Independent School District shall proceed to levy

and collect sufficient taxes for maintenance purposes and to provide a sinking fund for paying the interest on the outstanding indebtedness of the new Cotton Center Independent School District of Hale County, Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COTTEN, Chairman.

Committee Room,
Austin, Texas, May 18, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 7 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, May 18, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 164 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

EIGHTIETH DAY.

(Wednesday, May 19, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called and the following Senators were present:

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Westerfeld
Lemens	Van Zandt
Moore	Weinert
Neal	Winfield
Nelson	Woodruff
Newton	

A quorum was announced present.

The invocation was offered by the Chaplain.

57—Jour.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Roberts.

Reports of Standing Committees.

Reports on House Bills Nos. 1129, 1111, 670, 1149, 1179 and 1188; on H. C. R. No. 127, H. C. R. No. 136, and H. C. R. No. 128 were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

Senate Concurrent Resolution No. 72.

Senator Oneal offered the following resolution:

S. C. R. No. 72. Inviting Hon. Josephus Daniels to address a Joint Session of the Legislature.

Whereas, The Honorable Josephus Daniels, Secretary of the Navy under President Wilson and now United States Ambassador to the Republic of Mexico, will stop in Austin Friday on his way to Dallas; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That Ambassador Daniels be invited to address a Joint Session of the Legislature at eleven thirty Friday morning, May 21st; and that a Committee composed of three Senators and three Representatives be appointed by the respective presiding officers to escort the distinguished gentleman to the Joint Session.

The resolution was read.

On motion of Senator Oneal, by unanimous consent, the Senate rule requiring concurrent resolutions to be referred to a committee was suspended, and the regular order of business was suspended to permit consideration of the resolution at this time.

The resolution was adopted.

Free Conference Committee on House Bill No. 5.

Senator Pace moved that the request of the House for a free conference committee to adjust the differences between the two Houses on H. B. No. 5 be granted.

The motion prevailed.

Accordingly, the President announced the following conferees on the bill on the part of the Senate:

Senators Small, Burns, Pace, Spears and Shivers.